

(2011) 10 KAR CK 0114

In the Karnataka High Court

Case No : Writ Petition No. 39433 of 2011 (GM-PDS)

Sri Nagaraju

APPELLANT

Vs

The Deputy Commissioner (Food), Chamrajnagar District,
Chamrajnagar and The Tahsildar

RESPONDENT

Date of Decision : 20-10-2011

Acts Referred:

Citation : (2011) 10 KAR CK 0114

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : H.C. Shivaramu, for the Appellant; R.B. Satyanarayan Singh, HCGP,
for the Respondent

Judgement

B.S. Patil

1. In this writ petition, petitioner is aggrieved by the endorsement issued vide Annexure-B by the 2nd respondent - Tahsildar, Chamrajnagar Taluk, Chamrajnagar, rejecting the request made by the petitioner seeking grant/transfer of authorisation in his favour on compassionate grounds upon the death of his father.

2. Learned counsel for the petitioner and also the learned Government Pleader who takes notice for respondents 1 & 2 submits that similar matters have been disposed of by this Court in W.P.No.8586/2006 disposed of on 21.12.2008 and W.P.No.41665/2010 disposed of on 04.01.2011 wherein it is held that for the purpose of transfer of authorisation/license in favour of the dependent of the deceased consequent upon the death of the holder of the authorisation, requirement of pass in SSLC cannot be insisted and the Government Order issued in this regard had no application to the same.

3. In the light of the law laid down by this Court and in view of the fact that in the present case, as can be seen from Annexure-B - impugned endorsement, the request of the petitioner for grant/transfer of authorisation has been made on

the ground that his father who was holding a valid authorisation passed away on 02.08.2011 and further as the rejection of the request is only on the ground that the petitioner had not passed S.S.L.C., the impugned endorsement -Annexure-B cannot be sustained. Hence, the writ petition is allowed. The impugned endorsement is set aside. Respondents are directed to consider the case of the petitioner without insisting for a pass in S.S.L.C. as expeditiously as possible at any rate within a period of four weeks from the date of receipt of copy of this order.

4. Learned Government Pleader is permitted to file memo of appearance within three weeks from today.