IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.6269 of 2026

Ranjan Kumar, son of Shri Gopal Saw, resident of Village + Post + Police Station Sahkund, District Bhagalpur, Bihar. **... ... Petitioner**

Versus

1. The State of Jharkhand, through the Principal Secretary, Department of Health, Medical Education & Family Welfare, Government of Jharkhand, Project Bhawan, Dhurwa, P.O. + P.S. Dhurwa, District Ranchi.
2. The Adjudicating Officer-cum-Additional Collector, Dumka, Office of the Deputy Commissioner, Dumka, P.O. + P.S. Dumka, District Dumka, Jharkhand.
3. The Designated Officer-cum-Assistant Chief Medical Officer, Dumka, P.O. + P.S. Dumka, District Dumka, Jharkhand.
4. The Designated Officer-cum-Sub Divisional Officer, Dumka, P.O. + P.S. Dumka, District Dumka, Jharkhand.
5. Food Safety and Standards Authority of India (FSSAI), through its Chairperson, FDA Bhawan, Kotla Road, P.O. + P.S. Kotla Road, New Delhi.

... ... Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Abhijeet Anand, Advocate
Mr. Durga C. Mishra, Advocate

For the Respondent(s) : Mr. Mrinal Kanti Roy, GA-I

Mr. Satya Prakash Sinha,
Registrar General,
High Court of Jharkhand, Ranchi.

03/ 24.08.2026

By filing this writ petition, the petitioner has prayed for the following reliefs:-

> *"a) For issuance of an appropriate writ/order/direction, particularly a Writ of Certiorari, for quashing the impugned ex-parte Order dated 28.03.2026 passed by Respondent No.2 in FSS Case No.01/2022-23 (Annexure-2), whereby a penalty of ₹ 50,000/- has been unlawfully imposed upon the Petitioner under Section 52 of the Food Safety and Standards Act, 2006, in gross violation of the principles of*

natural justice without ensuring personal service of notice, and on the face of a fatal administrative delay of over 6 years from sample collection (August 2019) to final order (March 2026) which completely extinguished the Petitioner's absolute statutory right to appeal and seek a re-test by a Referral Laboratory under Section 46(4) of the Act, and further because the Food Analyst and Respondent No.2 committed a grave error of law by misclassifying a minor analytical variance in a safe milk product as "Misbranded" under Section 52 instead of testing it under "Sub Standard" parameters under Section 51, coupled with a total non-application of mind wherein the penalty was mechanically ordered against the Petitioner's father ("Gopal Saw") instead of the actual operator; and further because the Food Safety Appellate Tribunal is completely non-functional in the State of Jharkhand, leaving the Petitioner with no efficacious alternative statutory forum and rendering the present writ application fully maintainable;

b) *For issuance of a writ in nature of Certiorari/ Mandamus for quashing the consequential demand notice/letter dated 20.05.2026 (Letter No.72 / Food, Dumka) (Annexure-3), issued by Respondent No.3, directing the Petitioner to deposit the said penalty within 10 days based on the legally unsustainable, stale, and invalid ex-parte order;*

c) *For issuance of an appropriate writ/order/direction, staying the operation, implementation, and execution of the impugned ex-parte Order dated 28.03.2026 passed by Respondent No.2 in FSS Case No.01/2022-23, as well as the consequential*

demand notice/letter dated 20.05.2026 issued by Respondent No.3, during the pendency of the instant writ petition before this Hon'ble Court;"

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. The petitioner in this writ petition has challenged the order passed by the Adjudicating Authority under the Food Safety and Standards Act, 2006.

4. Learned counsel representing the petitioner argued that as the Appellate Authority was not constituted, he had to rush to this Court by filing an application under Article 226 of the Constitution of India, challenging the order passed by the Adjudicating Authority.

5. Admittedly, there is an Appellate Forum, which is headed by a Judicial Officer in the rank of Additional Judicial Commissioner, to be nominated by the Principal District Judge / Judicial Commissioner (J.C.), Ranchi.

6. Today, learned Registrar General, High Court of Jharkhand, Ranchi, has produced a copy of Letter No.813/2026 dated 21.08.2026, written to him by the Principal District & Sessions Judge, Dumka.

7. From perusal of the aforesaid Letter, I find that the District & Additional Sessions Judge-IV, Dumka, has been nominated / designated as the Presiding Officer to hear appeals against the orders of the Adjudicating Officer / Additional Collector, under the Food Safety and Standards Act, 2006. A copy of the said

Letter produced by learned Registrar General, is kept on record.

8. Learned Registrar General, submits that not only in the District of Dumka, but throughout the Districts in the State of Jharkhand, Appellate Tribunals have already been formed, to be presided over by several Judicial Officers, nominated by the Principal District Judge / J.C., Ranchi.

9. Since the Appellate Authority has already been nominated in Dumka, the petitioner is directed to file an appeal before the Appellate Authority, within three weeks from today.

9.1. It is expected that appeal of the petitioner will be heard on merit as early as possible.

9.2. Limitation, if any, should be condoned, considering that, before 21.08.2026, the Forum was not available to the petitioner.

10. Be it noted that I have not entered into merits of this case.

11. With the aforesaid observations and directions, this Writ Petition stands **disposed of**.

(ANANDA SEN, J.)

24th August, 2026
Prashant. Cp-2

Uploaded on 28.08.2026