

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3644 of 2014

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1. Gupteshwar Prasad Son Of Late Deoki Sah Resident Of Village + P.O. -
 Motha, P.S. - Karakat, District - Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
 2. The Principal Secretary, Department Of Civil Supply, Government Of
 Bihar, Patna
 3. The District Magistrate, Rohtas
 4. The District Supply Officer, Rohtas
 5. The Sub-Divisional Officer, Bikramganj, Rohtas
 6. The Deputy Collector, Rohtas
 7. The Block Marketing Officer, Suryapura, Rohtas
 8. The Marketing Officer, Karakat, Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayansingh

For the Respondent/s : Mr. Anshuman Singh, Gp24-

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
 PRATAP SINGH**
ORAL ORDER

2 18-08-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated 4.10.2012 passed by the S.D.O. Bikramganj which was affirmed vide order dated 16.10.2013 passed by the District Magistrate, Rohtas in Appeal No.7/2012.

The petitioner was a P.D.S. licensee bearing license no.46/2007 under Motha Gram Panchayat in Karakat Block in the district of Rohtas. The petitioner submits that a show cause was issued to him without supplying a copy of the inspection report and as such he was prevented from making an effective reply

against the allegations.

Counsel for the State submits that the petitioner has an alternative remedy of revision under clause 15(b) of 2001 Order enforced in February, 2007. He submits that the gist of allegations were mentioned in the show cause and as such none supply of a copy of the inspection report would not cause any prejudice to him.

I have heard learned counsel for the parties.

I agree with the submission of learned State Counsel that in all cases a copy of the enquiry report or inspection report is to be given if the gist of the report is not mentioned in the show cause with relevant details. In the instant case, the inspection report has been annexed as Annexure-A to the counter affidavit. However, though the nature of allegations is mentioned in the show cause, the names of the complainants are not mentioned in the show cause.

In such circumstances, in my view the copy of the enquiry report ought to have been given to the petitioner to file an effective reply. Now that the petitioner is aware of the inspection report, he would file his show cause within a period of four weeks from today which would be considered on its own merit without being prejudice. The impugned order dated 4.10.2012 passed by

the S.D.O. Bikramganj and affirmed in Appeal vide order dated 16.10.2013 passed by the District Magistrate, Rohtas are set aside.

In the result, this writ application is allowed.

(Samarendra Pratap Singh, J)

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