

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22000 of 2014

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Yogendra Paswan Son of Late Chandeshwer Paswan Resident of Village -
Jamalpur, Police Station - Paraiya, District - Gaya. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food
AND Consumer Protection, Govt. of Bihar at Patna.
 2. The District Magistrate, Gaya.
 3. The Sub Divisional Officer, Tekari, District - Gaya.
 4. The Marketing Officer, Paraiya, Gaya Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Respondent/s : Mr. Gal- Shyam Kishore Sharma

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

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2 05-10-2015

The petitioner prays for setting aside order dated
27.7.2012, passed by the District Magistrate, Gaya by which he
has affirmed order dated 16.12.2009, passed by SDO, Tekari
whereby he has cancelled petitioner's PDS licence no. 27/1992
after suspending the same.

The petitioner submits that the respondents have
awarded both punishment of suspension and cancellation of
license, which is not permissible in law in view of decision in
case of Shiv Chandra Jha Vs. Harideo Jha, reported in 2013(3)
PLJR 956.

As a result, the writ petition succeeds and the impugned
orders are set aside with liberty to respondents to proceed afresh
in accordance with law.

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(Samarendra Pratap Singh, J)