

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14167 of 2012

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Rajeshwar Singh, S/o Late Ram Balak Singh, Resident of Village -
Budhaul, P.S. - Fatehpur, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Supply Department,
Secretariat, Patna
2. The Secretary, Food & Supply Department, Secretariat, Patna
3. The District Magistrate, Gaya
4. The Sub-Divisional Magistrate, Gaya
5. The District Supply Officer, Gaya
6. Block Supply Officer, Fatehpur, District - Gaya

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. M. D. Dwivedi, SC-23

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

ORAL ORDER

2 04-08-2015 The petitioner prays for quashing the order dated

09.05.2012 passed by the Sub-Divisional Officer, Sadar, Gaya

cancelling his Public Distribution System license.

2. The petitioner has challenged the order on two
grounds. Firstly; he was given only three days time to file show-
cause, and secondly; the copy of the enquiry report was not given
to him, which was imperative in view of the order dated
28.03.2006 passed in C.W.J.C. No. 10187 of 2004 (Sheojee
Chaudhary Vrs. The State of Bihar & Ors).

3. Counsel for the State submits that the gist of the
allegations was mentioned in the impugned order.

4. In my view, the time period of three days granted

for filing show-cause reply was insufficient as it deprived the petitioner of an adequate opportunity to present his case in absence of enquiry report. The impugned order dated 09.05.2012 is accordingly set aside and the matter is remitted to the Sub-Divisional Officer, Sadar, Gaya for fresh consideration. The petitioner would file his show-cause reply within six weeks from today along with a copy of this order. The licensing authority would then dispose of the matter within a period of three months.

5. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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