

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23559 of 2013

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Ashok Manjhi, S/O Panchu Manjhi, Resident of Village - Parari, P.S. - Magadh
University, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supply,
Government of Bihar, Patna
2. The District Magistrate, Gaya
3. The Sub-Divisional Officer, Sadar, Gaya
4. The Block Supply Officer, Bodhgaya, District - Gaya

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. Dinbandhu Singh

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

ORAL JUDGMENT

Date: 13-08-2015

Heard learned counsel for the petitioner and the State.

2. The petitioner is a P.D.S. dealer within Bodhgaya Block
in the district of Gaya. The petitioner is aggrieved by order dated
28.06.2013 cancelling his license.

3. The petitioner submits that vide show-cause notice dated
04.06.2013, two days time was granted to him to file reply to the
show-cause. He submits that as he was in custody, the show cause
was served on him admittedly on 07.06.2013. The petitioner submits
that as he received the show-cause after expiry of the time period
within which he ought to have filed the reply to the show-cause, he
did not file the same under reasonable apprehension that the same
would not be entertained.

4. Counsel for the State submits that cancellation order is dated 28.06.2013, the petitioner even did not file show-cause reply till date that period. He further submits that the petitioner has an alternative remedy of appeal.

5. In my view, the submission of the petitioner that he had reasonable apprehension that the delayed show-cause reply may not be considered, cannot be totally brushed aside, as such the impugned order is set aside. The petitioner would file his show-cause reply within four weeks from today and thereafter the authority concerned would proceed to decide the matter in accordance with law.

6. This applications stands disposed of.

(Samarendra Pratap Singh, J.)

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