

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7051 of 2014

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1. Dev Shankar Prasad son of Late Ganesh Prasad resident of village - Simri Bakhtiyarpur, P.O. + P.S. - Simri Bakhtiyarpur, District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supplies, Government of Bihar.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar.
3. The Commissioner, Saharsa Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Sub-Divisional Officer, Simri Bakhtiyarpur, Saharsa.
6. Licensing Officer, Public Distribution Officer, Simri Bakhtiyarpur, Saharsa.
7. The Block Supply Officer, Simri Bakhtiyarpur, Saharsa.
8. The Supply Inspector, Simri Bakhtiyarpur, Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay, Advocate
 Mr. Surya Prakash Singh, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 27-10-2015 The petitioner is a licensee of Public Distribution Shop within Saharsa district. He seeks quashing the order dated 21.1.2014 passed by the Sub-Divisional Officer, Simri Bakhtiyarpur cancelling his license.

The petitioner submits that by show cause notice dated 16.1.2014, he was given only 24 hours time which was not adequate time to file an effective reply. Further more, no copy of the enquiry report was given to him which was necessary in view of the decision in the case of Kuldeep Manjhi & anr vs. State of

Bihar & Ors, reported in 2015(1) PLJR 885.

In my view, 24 hours is inadequate for a licensee or any other person to file an effective show cause reply which virtually infringes principles of natural justice enshrined under Article 14 of the Constitution of India.

In the result, this writ application is allowed and the impugned order cancelling the license is set aside. The respondents would be at liberty to proceed afresh in accordance with law.

(Samarendra Pratap Singh, J)

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