

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2012 of 2015

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Harendra Paswan Son of Suraj Paswan Resident of Village - Harpur Fatikwara,
Panchayat- Gorigama, P.S- Mahnar, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar through The Secretary, Food and Civil Supply Department,
Old Secretariat, Patna.
2. The Secretary, Food and Civil Supply Department, Old Secretary, Patna.
3. The District - Magistrate, Vaishali.
4. The Sub-Divisional Officer, Mahnar, District - Vaishali.
5. The Block Supply Officer, Mahnar, District - Vaishali.
6. The Assistant Godown Manager, Mahnar, District - Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravindra Kumar Singh, Advocate
For the State : Mr. Manindra Kishore Singh, S.C. 6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-12-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by Annexure 1 which is an order dated 26.12.2014 passed by the Sub-Divisional Officer-cum-Licensing authority, Mahnar by which he has cancelled the PDS Licence No.35/2007 granted to the petitioner with immediate effect.

It emanates from the pleadings that inquiry was held by the Block Supply Officer and irregularities having been found, a show cause notice was given vide Annexure 4 dated 14.08.2014 for proposed cancellation of his PDS licence. The petitioner was given 24 hours time to respond to the notice, however, in continuation of the



aforesaid, again a notice was given on 29.09.2014 vide Annexure 5 granting him 2 days time to respond to it. The petitioner filed his reply. However, again an inquiry was held on 25.11.2014 by the Block Supply Officer and on the basis of his report again a show cause notice was issued vide Annexure 7 dated 26.11.2014 granting 24 hours time to the petitioner to respond. Thereafter, the petitioner again filed his reply.

A short issue has been raised by the petitioner that on none of the occasions, either any copy of the inquiry report or the copies of the alleged complaints made by some of the beneficiaries, were provided to the petitioner so that suitable reply could have been filed by him. This issue has been raised by the petitioner in paragraph no.1 of the writ petition itself but the learned counsel for the State could not demonstrate from the counter affidavit that any reply to that has been given by the State respondents. That apart, the copies of the show cause notice appended as Annexures 4, 5 and 7 also do not show that a copy of the inquiry report was enclosed with it.

In above view of the matter, it has to be understood that copies of the inquiry report or the complaints made against the petitioner by some of the beneficiaries were never supplied which, in my opinion, is a fatal lacuna as it would not be possible for a person to respond it by filing suitable reply to the show cause notice unless

the basis of the show cause notice i.e., the inquiry report and the complaints made against him are made available to him.

Thus, In above view of the matter, in my view, the order impugned cannot be sustained. Accordingly, the same is quashed and set aside. The matter is remitted back to the authority concerned to take a fresh decision after supplying necessary documents to the petitioner as stated above and granting him another opportunity to file reply to the show cause notice. The final order should be passed after consideration of the grounds raised by the petitioner in accordance with law. It is expected that the whole exercise would be completed within eight weeks.

This writ application stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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