

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19583 of 2013

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1. Surendra Dixit Son Of Late Sherlal Dixit Resident Of Village- Jistauli,
Police Station- Kathaiya, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Rural Development
Department, Govt. Of Bihar, Patna
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, Muzaffarpur
4. The Sub-Divisional Officer (West), Muzaffarpur
5. The District Supply Officer, Muzaffarpur
6. The Block Supply Officer, Motipur In The District Of Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. MK Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 04-09-2015 The petitioner challenges order of the SDO, West

Muzaffarpur dated 21.1.2012, cancelling his PDS License

no.23020012/2008 on the recommendation of the District Level

Selection committee under the chairmanship of the District

Magistrate. Appeal filed by the petitioner before the

Commissioner was also rejected.

Counsel for the State submits that petitioner instead of

filing appeal before Collector, filed the same before learned

Commissioner.

According to the petitioner, as the license has been

cancelled on recommendation of the District level selection

committee, headed by the Collector, who is also the appellate authority, he filled the appeal before the Commissioner. He next 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.

(Samarendra Pratap Singh, J)

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