

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.841 of 2015

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1. Gayanand Biswas son of Late Jogindra Das resident of village- Sikti, Grampanchyat, Muraripur, P.S.- Sikti, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Araria.
2. The Collector- Cum- Appellate Authority, District- Araria.
3. The Sub- Divisional Officer-Cum- The Licensing Authority, Araria, District- Araria.
4. The District Supply officer, Ariara, District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, GA-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 23-03-2015 Heard Mr. Sajid Salim Khan, learned counsel for the petitioner and learned counsel for the State.

The petitioner is a licensee under the Public Distribution System (Control) Order, 2001 as enforced in the State of Bihar vide Fair Price Shop Order, 2007 bearing Licence No. 03-S/2007. The licence of the petitioner was cancelled by the Licensing Authority-cum-Sub Divisional Officer, Araria vide order dated 9.7.2011 (Annexure-6) and which order stands confirmed by the appellate authority when the appeal filed by the petitioner bearing Appeal No. 6 of 2013-14 was dismissed vide order placed at Annexure-9. Being aggrieved by these orders, the petitioner is before this Court.



Facts of the case briefly stated is that the licence of the petitioner was initially cancelled by the Licensing Authority on 10.8.2010 (Annexure-1) which was questioned by the petitioner before the appellate authority who reversed the same vide order passed on 23.5.2011 (Annexure-4) and the matter was remanded for fresh consideration and disposal by the Licensing Authority. Upon remand of the matter that a fresh show cause was issued to the petitioner on 9.6.2011 setting out six charges, all of which were relatable to irregularity in lifting and distribution of food grains under different BPL and Antyodaya Category Schemes to the consumers.

Mr. Khan learned counsel for the petitioner in trying to justify the conduct of the petitioner made a submission that although explanations had been provided by the petitioner in response to the show cause but the same was never considered by statutory authority performing quasi judicial function and the result is the cancellation.

A supplementary affidavit has subsequently been filed enclosing the response to the show cause and a bare perusal of the same confirms the irregularity on the part of the petitioner in lifting and distribution of the food grains.

Although a stand has been taken that owing to illness of the

family members that the petitioner could not perform his duties but considering that the charges are relatable to irregularity in lifting and distribution of food grains which ranges from October, 2009 to July 2010, this Court is not satisfied by the explanation afforded by the petitioner in taking a cover under the wife's illness. There is a provision under Clause 11 of the Control Order which entitles a licensee to keep his shop in operation through his representative who has to be allotted an identity card. The very fact that no step was taken by the petitioner in keeping the Fair Price Shop in operation rather putting the consumers at a disadvantage for such a long period, I am not persuaded to interfere with the orders impugned.

The writ petition is accordingly dismissed.

(Jyoti Saran, J)

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