

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11954 of 2016

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M/s. New Puran Medical Agency, Sarraf Palace, Govind Mitra Road, P.S. Pirbahore, District Patna, through its proprietor Ankit Sarraf, son of Shri Puran Chandra Sarraf, resident of Sarraf Palace, Govind Mitra Road, P.S. Pirbahore, District Patna

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
 2. The State Drug Controller cum Chief Licensing Authority, Bihar, Patna
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar, Advocate
For the State : Mr. Ajay Behari Sinha, G.A. 8 with
Mr. Suryakant Kumar, AC to G.A. 8

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 28-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks quashing of the order dated 18.7.2016 passed by the State Controller of Drugs-cum-Chief Licensing Authority, Bihar by which he has suspended three licences of the petitioner for a period of one month from the date of receipt of the order.

The premises of the petitioner had been inspected on 30.11.2015 and thereafter a show cause notice was issued to the petitioner on 23.1.2016 to which a reply stating various grounds meeting the objection raised in the inspection report was given. Rejecting the same on the ground of being unsatisfactory, the impugned order has been passed.

Learned counsel for the petitioner submits that the petitioner has assigned various reasons in his reply to the show cause but without considering his objection, by a one line order the reply to the show cause has been rejected as not satisfactory

and the impugned order suspending the licences of the petitioner has been passed.

It is expected that all administrative and quasi judicial authorities must give reasons and pass a speaking order. When the show cause was filed by the petitioner giving grounds meeting the objection raised in the inspection report then it was the duty of the competent authority to consider the said show cause and give reasons while rejecting the same. It is evident that the same has not been done in the order which merely states that after consideration the explanation submitted by the petitioner has been found unsatisfactory.

Learned Government Advocate appearing for the State does not find any reason to defend such action of the respondents in the face of well established principles of natural justice.

In the above circumstances, the writ application is allowed. The impugned order dated 18.7.2016 is quashed with a liberty to the respondent No.2 to pass a fresh speaking order in accordance with law.

(Ramesh Kumar Datta, J)

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