

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20843 of 2014

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Kumari Babita Sinha, Wife of Birendra Prasad, Resident of Village - Madanpur,
P.O. - Madanpur, P.S. - Ekangarsarai, District - Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply,
Govt. of Bihar, Patna
2. The District Magistrate, Nalanda at Bihar Sharif
3. The Sub-Divisional Officer - Cum - Licensing Authority, Hilsa, Nalanda
4. The District Supply Officer, Nalanda at Bihar Sharif

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Shashi Shekhar Pd. Sinha, AC to GA-6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-12-2016

Heard parties.

The petitioner is aggrieved by Annexure-4 which is an order dated 16.11.2011 by which her PDS licence no. E-55/2007 has been cancelled.

The sole ground taken on behalf of the petitioner at the time of hearing is that her licence was earlier suspended and, thereafter, vide Annexure-3 by the same order, she was directed to show cause so that further action would be taken in the matter and her licence was ultimately cancelled by the licensing authority vide Annexure-4.

The issue is no longer *res intera* having already been set



at rest by a Division Bench of this Court rendered in *Shiv Chandra Jha Vs. Harideo Jha [2013 (3) PLJR 956]* holding that once the authority has decided to suspend the licence by way of punishment, it cannot proceed to cancel the licence as no one can be punished twice for the same act of misconduct or offence.

Accordingly, this writ application stands allowed. The impugned order, as contained in Annexure-4, is quashed and set aside.

Since the mode of suspension has already been omitted by brining amendment in the year 2011 effective from 23.06.2011 and, in the earlier provision also, the period of suspension was maximum up to 90 days, in my view, the order of suspension also cannot continue further. Accordingly, the licensing authority is directed to restore the licence of the petitioner forthwith and resume the supplies.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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