

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1031 of 2016

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Baleshwar Singh S/o- late Devnath Singh R/o Village- Kurba Tand, P.s Khaira,
District Jamui.

.... Petitioner

Versus

1. The State of Bihar through the Principal SEcretary, Food & Consumer Protection
Department, Govt. of Bihar, Patna.
2. The Collector Jamui.
3. The S.D.O. Jamui , District Jamui.
4. The Additional District Supply Officer, Jamui, District Jamui.
5. The Block Supply officer, Block , Khaira, District -Jamui.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kritya Nand Jha, Advocate

For the State : Mr. R.R.K. Pandey, SC 29

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-05-2016

Heard learned counsel for the petitioner and the State.

The Sub Divisional Officer, Jamui Sadar is present in
person along with the records and he accepts that neither a copy of
the inquiry report nor the copies of the complaint made by the
beneficiaries against the petitioner were ever served upon the
petitioner. However, it is contended that the charges which have
been mentioned in the inquiry report has also been mentioned in the

show cause notice.

In my view that would not be sufficient compliance of the mandate under Clause 7(II) of the Public Distribution System (Control) Order 2001. It is well settled that if copy of the inquiry report and the copies of the complaints made by the beneficiaries against the licensee are not supplied along with the show cause notice then it cannot be held that a proper, adequate and reasonable opportunity was given to the licensee before taking decision of cancellation of licence.

Accordingly, this writ application succeeds on this ground alone. The order impugned as contained in Annexure 1 is quashed and set aside.

The matter is remitted back to the licensing authority to supply copies of the inquiry report and the complaints made against the petitioner and further grant him reasonable opportunity to file a fresh reply. Thereafter, the final order should be passed by the licensing authority in accordance with law after considering the materials on record and also grounds which would be raised by the petitioner in his reply.

It is expected that that the whole exercise would be completed within a period of three months from the date of receipt / production of a copy of this order.

The personal appearance of the Sub Divisional Officer, Jamui, Sadar is dispensed with.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
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