

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 6062 of 2015**

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Awadhesh Kumar Singh, S/o Late Ram Swarup Singh, Resident of  
Village- Patkhauliya, Panchayat- Sirsamal, P.S.- Motihari (Muffasil),  
District- East Champaran. .... Petitioner.

Versus

1. The State of Bihar through the Secretary, Food Supply and  
Commerce Department, Government of Bihar, Patna.
  2. The Commissioner, Tirhut Division, Muzaffarpur.
  3. The District Magistrate, East Champaran at Motihari.
  4. The Sub-Divisional Officer, Sadar, Motihari, District East  
Champaran.
  5. The Block Development Officer, Block Office, Motihari, East  
Champaran.
  6. The Supply Inspector-Cum-Block Supply Officer, Block Office,  
Motihari, Dist.- East Champaran.
  7. The Supply Inspector-Cum-Block Supply Officer, Block Office,  
Piprakothi, District- East Champaran.
  8. The Sarpanch, Panchayat Sirsamal, P.S.- Motihari Muffasil,  
District- East Champaran. .... Respondents.
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**Appearance :**

For the Petitioner : Mr. Anshuman Singh, Adv.

For the Respondents: Mr. Madhukar Mishra, AC to SC 16.

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 20-12-2016**

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by order dated 18.06.2011  
passed by the District Level Selection Committee, East  
Champaran at Motihari through its Chairman, as contained in  
Annexure-4 in compliance of the direction of the order dated  
28.02.2011 passed in CWJC No. 89 of 2010, as contained in  
Annexure-3.



It is contended that the District Level Selection Committee has placed reliance upon the order of Sub-divisional Officer, Sadar Motihari which was already quashed and set aside vide Annexure-3.

I find force in the submission raised on behalf of the petitioner that the order of the District Level Selection Committee does not appear to be a reasoned one as it has simply placed reliance upon the order of the Sub-divisional Officer which has already been quashed. However, it is also a point to be considered that District Level Selection Committee does not have any role to play in the matter of cancellation of licence. It is apparent from Clause 2 of the PDS (Control) Order, 2001 that the District Level Selection Committee has been empowered to make a recommendation to the Sub-divisional Officer for grant of licence whereas the procedure for cancellation of licence has been provided under Clause 7(ii) of the PDS (Control) Order, 2001. Clause 7(ii) of the PDS (Control) Order, 2001 lays down in clear terms that power of cancellation of licence stands vested in the Sub-divisional Officer only.

Accordingly, the impugned order dated 18.06.2011, as contained in Annexure-4 is quashed and set aside. The matter is remitted back to the Sub-divisional Officer, Sadar, Motihari to



take a decision on its own merit and in accordance with law within a period of three months from the date of receipt/production of a copy of this order after granting reasonable opportunity to the petitioner.

The petitioner would be at liberty to raise all the grounds which would be available to him. However, if no decision is taken within the aforesaid period then petitioner’s licence shall stand automatically revived till a final decision is taken by the Licensing Authority.

As a result, this application stands allowed with the aforesaid directions and observations.

**(Dr. Ravi Ranjan, J.)**

Vikash/-

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