

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15565 of 2015

Barister Rai, son of Shiv Pujan Rai, Resident of village- Bamo, P.S. Baikunthpur,
District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. The Collector cum District Magistrate, Gopalganj
3. Sub Divisional Officer, Gopalganj
4. Block Supply Officer, Baikunthpur Block, District- Gopalganj

.... Respondents

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

For the Respondent/s : Mr. Satya Prakash, AC to SC-22

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-09-2016

Heard parties.

The sole issue raised in this writ application by the petitioner is that once the PDS licence of the petitioner was suspended vide Annexure-1 by the licensing authority, the same could not have been cancelled on the same set of charges vide Annexure-3.

It appears from Annexure-1 that on certain charges, licence of the petitioner was suspended and, further, he was directed to show cause along with the evidence and, thereafter, vide Annexure-3, licence of the petitioner has been cancelled.

The issue is no longer *res intera* having already 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 orders dated 14.02.2011 (Annexure-3) and 1.07.2015 (Annexure-5) are 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.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.