

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11028 of 2014

Manoj Kumar Ram @ Manoj Ram S/o Late Sahtu Ram Resident of Village
and P.O. Bajitpur, P.S. Bihta, District Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Food and Consumer Protection
Department, Old Secretariat, Patna..
2. The District Magistrate, Patna, District Patna.
3. The Sub Divisional Officer, Danapur, District Patna.

.... Respondents

Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate
For the State : M/s R.R. K PANDEY, SC 29 and
Kritya Nand Jha, AC to SC 29

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 19-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of Annexure 1 dated
1.4.2014 by which Sub Divisional Officer, Danapur has cancelled the
licence granted to the petitioner for running the PDS shop.

It is contended on behalf of the petitioner that the show
cause notice vide Annexure 2 was given setting out the charges.
Petitioner filed a reply thereto, a copy of which has been appended as
Annexure 3, but it appears that thereafter again an inquiry was

conducted and, without granting any opportunity to peruse the report of second inquiry or without granting further opportunity to the petitioner to respond to the allegations which were found by the inquiry team, order has been passed on the basis of the second inquiry.

In my view, such action is in teeth of the principle of natural justice. In case, during the pendency a second inquiry was made by the inquiry team and separate set of charges were levelled, as the petitioner should have been given opportunity by supplying a copy of the inquiry report to respond to it by filing his fresh reply. That admittedly having not been done, in my view, the order impugned cannot be sustained in law and as such the same is quashed and set aside.

The matter is remitted back to the licensing authority, which may issue second show cause notice along with a copy of subsequent enquiry report and the copies of the complaints filed by the beneficiaries, if any, to which the petitioner would respond by filing a reply which should be considered by the licensing authority on its own merit and in accordance with law.

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

This writ application stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

Spd/-

U			
---	--	--	--