

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 16437 of 2014

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Shiboo Rai son of Late Naresh Rai resident of Village - Dholmara, P.S.
- Ajamnagar, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Katihar.
2. The Sub-Divisional Officer, Barsoi, District - Katihar.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Vijay Anand, Adv.

For the Respondents: Mr. Shashi Shekhar Pd. Sinha, AC to GA 6.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-12-2016

Heard parties.

Petitioner's licence has been cancelled by order dated 03.09.2011 passed by the Sub-divisional Officer, Barsoi, Katihar, as contained in Annexure-3 on the ground that he did not lift food-grains for three months and his appeal has also been dismissed by the District Magistrate, Katihar vide order dated 20.09.2013 in Supply Appeal Case No. 242/2013-14, as contained in Annexure-5.

A plea has been taken by the petitioner that he was suffering from jaundice and, therefore, he could not deposit pay-in-slip for three months. It has been observed in the impugned order that petitioner has informed the authority regarding his



alleged illness only after such proceeding was initiated. He did not inform on any earlier occasion and due to that the beneficiaries faced inconvenience.

In my view, the petitioner should have informed the authority at the earliest which was not done by him but took this plea later on. There is nothing on record to show that he was suffering from jaundice and, as such, he was unable to deposit the pay-in-slip. However, taking the view that default was not willful and the petitioner has already remained ousted from his PDS shop for about five years, in my view, he is entitled for one chance.

Accordingly, the impugned order, as contained in Annexure-3 and 5 is quashed and set aside and his licence is restored without disturbing the findings of the authority for the reason that he has already suffered for five years. Thus, he would be entitled for supplies but should be more careful in future.

As a result, the writ petition stands disposed of.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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