

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14540 of 2016

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Suresh Chandra Barnawal, S/o Late Jangali Prasad Barnawal, Resident of Village- jigana Pandit, P.S.- Bhore, District- Gopalganj.. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
 2. The Commissioner, Saran Division, Chapra.
 3. The Collector cum District Magistrate, Gopalganj at Gopalganj.
 4. The District Supply Officer, Gopalganj.
 5. The Sub Divisional Officer, Hathua, District Gopalganj.
 6. The Block Supply Officer, Bhore, District- Gopalganj. Respondents.
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Appearance :

For the Petitioner : Mr. Uday Pratap Singh, Adv.

For the Respondents: Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-01-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 28.01.2016 passed by the Sub-divisional Officer-cum-Licensing Authority, Hathua, Gopalganj, as contained in Annexure-5 by which his PDS licence no. 78/2007 was cancelled as well as the appellate order dated 24.05.2016 passed by the District Magistrate, Gopalganj, as contained in Annexure-6 by which Supply Appeal No. 5 of 2016 has been dismissed.

The issue raised is no longer *res integra* as this Court has held on several occasions that the non-supply of copy of inquiry report and statement of charges would be in violation of principles of natural justice as well as Clause 7(ii) of the Public Distribution System (Control) Order, 2001. A reference in



this regard is made to a decision rendered by this Court in the case of **Brahmdeo Rai vs. The State of Bihar & Ors. [2013(2) PLJR 706]**.

From the counter affidavit filed on behalf of the State, it is apparent that copy of such inquiry report was not supplied to the petitioner.

Accordingly, this writ application succeeds on that count and the orders impugned passed by the Licensing Authority as well as the appellate authority, as contained in Annexure-5 and 6 are quashed and set aside. The matter is remitted back to the Licensing Authority first to supply the inquiry report and then grant petitioner further reasonable time for filing a reply. After that, a decision would be taken by him in accordance with law also considering the grounds which would be raised by the petitioner in his reply.

It is expected 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.

Accordingly, this writ petition stands allowed.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2017
Transmission Date	NA

