

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18392 of 2016

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1. Veena Devi Wife of Bimlesh Kumar Resident of Village- Manikpur Musharniya,
P.O. Andauli, P.S. Parihar, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food & Consumer Protection Department, Government of Bihar.
2. The Principal Secretary , Food Consumer Protection Department, Government of Bihar, Patna.
3. The Additional Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.
4. The Commissioner, Tirhut.
5. The District Magistrate, Sitamarhi.
6. The District Supply Officer, Sitamarhi.
7. The Sub-Divisional Officer, Sitamarhi Sadar, Sitamarhi.
8. The Block Development Officer, Parihar, Sitamarhi.
9. The Block Supply Officer, Parihar Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the State : Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-09-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, petitioner is challenging the
order dated 14.9.2016 passed by the Sub Divisional Officer,
Sitamarhi Sadar by which he has cancelled his licence of PDS
shop.

Hon'ble Minister Food and Consumer Protection
Department was on tour, he received a complaint that the
petitioner was/is not running the PDS shop in terms of the licence



and Control Order. On the direction of the Hon'ble Minister a proceeding was initiated against the petitioner with respect to three charges mentioned in the letter dated 5.7.2016 and ultimately vide order dated 14.9.2017 Sub Divisional officer cancelled the licence.

Learned counsel for the petitioner submits that the Sub Divisional Officer who has passed the order dated 14.9.2016 on altogether different charges except one common charge which is not permissible in law. Inasmuch as the order dated 14.9.2016 reflects that the Sub Divisional Officer has passed the order on the dictate of Hon'ble Minister as he has mentioned that he has cancelled the licence on the direction of the Hon'ble Minister.

The complaint made by the Hon'ble Minister should be taken care of but the authority while exercising the power cannot overwhelm with the instruction and direction of the Hon'ble Minister. The Sub Divisional Officer is the competent authority who should maintain impartiality not to be influenced by any person so that person under proceeding must inspire confidence that he/she will get justice at his hand. While exercising quasi judicial power he should not have passed the order at the behest of the Hon'ble Minister.

In such view of the matter, order dated 14.9.2016 passed



by the Sub Divisional Officer, Sitamarhi Sadar is set aside with a direction to the Sub Divisional Officer to pass a fresh order without being influenced by the Hon’ble Minister.

With the aforesaid observation and direction this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.9.2017
Transmission Date	NA

