

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19722 of 2015

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Rajendra Kumar S/o Sri Jagdish Ram resident of village Guljana, P.S. Tekari, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Gaya.
3. The District Magistrate, Gaya.
4. The District Level Selection Committee Gaya through its Chairman.
5. District Supply Officer, Gaya.
6. The Sub Divisional Officer, Tekari, Distt. Gaya.
7. The Block Supply Officer, Tekari, District Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Kumar Ishwar, Adv.

For the Respondent/s : Mr. Anil Kr. Singh, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-04-2017

Heard learned counsel for the parties.

In the present writ application, the petitioner is challenging an order contained in Memo No. 69 (G) dated 18.6.2015 passed by the Sub-Divisional Officer, Tekari, Gaya passed on the basis of the order of the District Magistrate, Gaya vide letter no. 99 dated 25.5.2015 and also on the basis of enquiry report.

The order of the S.D.O., Tekari is very cryptic order, it appears that he has not applied his judicial mind and has passed the order on the backdrop of the order received from the office of the Collector. The S.D.O. is a quasi judicial body, has to follow the



principle of natural justice as has been claimed by the petitioner that the petitioner has not received either the letter of the Collector contained in Letter No. 99 dated 25.5.2015 as well as the enquiry report which led to cancellation of licence of the which violates the principle of natural justice.

The State has filed counter affidavit having not denied anywhere of non-furnishing of the report as well as letter of the Collector to the petitioner.

In that view of the matter, the order of the S.D.O., Tekari itself is very cryptic order having not considered the case in the manner what is expected from a quasi judicial body to act as well as the report of the enquiry as well as the letter of the Collector dated 25.5.2015 having not served upon the petitioner. Accordingly, the impugned order contained in Memo No. 69(G) dated 18.6.2015 is quashed and the matter is remanded back to the Sub-Divisional Officer, Tekari, Gaya to take action in accordance with law.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2017
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