

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14306 of 2014**

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Ram Deo Singh, Ex. Pacs Manager, Udaipur Son of Ram Das Yadav  
resident of village and P.O. Garura, P.S. Sanjhauli, District - Rohtas

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas at Sasaram
3. The Deputy Development Commissioner, Rohtas
4. The Sub - Divisional Officer, Bikramganj, District - Rohtas
5. The Block Development Officer, Sanjhauli, District - Rohtas

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sudama Singh, Adv.  
Mr. Surendra Kumar Mishra, Adv.

For the Respondent/s : Mr. Raghwanand, G.A. – 11  
Mr. Prabhat Kumar, AC to G.A. 11

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

2      17-04-2017                      Heard learned counsel for the petitioner and  
  
learned counsel for the State.

At the outset, learned counsel for the State submits  
  
that a counter affidavit will be filed in this case within a period of  
  
two weeks.

Learned counsel for the petitioner submits that this  
  
writ application stands covered by the decision of the Division  
  
Bench judgment reported in 2012(4) PLJR at page 1039. He  
  
submits that the petitioner's case is also similarly situated and only  
  
the amount of dues differs. He further submits that the direction to  
  
deposit 20 per cent of the value of the undistributed rice was  
  
issued in another writ application bearing C.W.J.C. No. 711 of



2011 in which the learned Single Judge had issued directions that the impugned communication directing the petitioner to deposit the amount may be treated merely as a communication of show cause notice and that the authority was to pass an order after receiving the reply of the writ petitioner, which was to be considered only after deposit of 20 per cent of the value of the undistributed rice @ Rs. 10 per K.G., as recorded hereinabove.

In the present case also, the petitioner has been directed to deposit the cost of undistributed rice @ Rs. 13.70/ for distribution to the beneficiaries of the Sampoorna Gramin Rojgar Yojna. The present petitioner is also one of the licensees of the Fair Price Shop, who have been allotted certain quantity of rice to be distributed amongst the beneficiaries as envisaged by the scheme during the years 2002 to 2006.

It appears from the pleading of the petitioner that due to circumstances beyond his control, he had not distributed the rice to the beneficiaries and, consequently, pursuant to the audit report, he has been directed to deposit the quantified value of the price @ Rs.13.10/- per kilogram to the tune of Rs. 2,37,010/- .

Learned counsel for the petitioner further submits that such demand was wholly irregular in view of the fact that all the time, petitioner has been willing to return the rice and the



impugned action is wholly illegal and arbitrary and is to be guided by the same terms as was decided by the court in the earlier writ application. He further submits that the matter was also put to test in an Intra Court appeal wherein this Court, after considering the issue, has directed that without prejudice to the rights and contentions raised in the writ petition has modified the order of the learned Single Judge to the extent that it has directed that the appellant shall deposit the sum equivalent to 15 per cent of the value of the undistributed rice @ 10/- per kilogram within six weeks from the day of issuance of the order. The said order has been reported in 2012 (4) PLJR, 1039 which reads as under:-

*“Learned Advocate Mr. Mahendra Prasad Gupta has appeared for the appellant. He has submitted that the appellant has been meted discriminatory treatment by issuing direction to deposit 20% of the value of the undistributed rice. He has submitted that in the above referred C.W.J.C. No. 711 of 2011 no such direction was issued. He has further submitted that judicial discipline requires that identical relief is granted; the condition imposed upon the appellant, therefore, is unwarranted. He has also submitted that the impugned direction amounts to adjudication of issue against the appellant. Mr. Gupta has also submitted that as early as in 2006 the appellant had offered to*



*return the undistributed rice. The respondents, however, did not respond to the said request. Rice being perishable article, the demand for the price of the rice is atrocious.*

*We are of the opinion that the ends of justice can be met if the order of the learned single Judge is modified to the effect that, without prejudice to the rights and contentions raised in the writ petition, the appellant deposits the sum equivalent to 15% of the value of the undistributed rice @ Rs. 10/- per kilogram within six weeks from today. Order accordingly.”*

In view of such facts and circumstances, let the petitioner also deposit the similar amount of 15 per cent of the value of the undistributed rice @ Rs. 10/- per kilogram within a period of six weeks from today. The issue will be decided by the Deputy Development Commissioner/Competent Authority within two weeks from the date the petitioner makes the deposit as directed above.

With the aforesaid observations/direction, the writ application stands disposed of.

**(Anjana Mishra, J)**

Jagdish/-

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