

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1843 of 2017

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Om Shankar Paswan, Son of Sri Chandar Shekhar Paswan, Resident of Village -
Sahar Banni, P.S.- Alauli, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old Secretariat, Patna.
2. The S.D.O. Khagaria.
3. The C.O. Cum Block Supply Officer, Alauli, Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand,
Ms. Sarita Kumari, Advocates.

For the Respondents : Mr. Upendra Pratap Singh, Ac to SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-01-2018

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

2. The present writ petition has been filed for challenging the order dated 16.10.2016 passed by S.D.O. Khagaria as contained in Memo No. 393 whereby and whereunder the PDS license granted to the petitioner for carried on the business is cancelled on the ground that his show cause was not found satisfactory.

3. Learned counsel for the petitioner invites attention to the show cause notice dated 18.11.2016 (Annexure-2) enumerating eight irregularities as against which the impugned order dated 16.10.2016 (Annexure-3) passed by the Sub-Divisional Officer, Khagaria travels beyond the show cause notice and takes note of eleven irregularities in accordance with an inquiry report.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on a consideration of the materials on record, this Court finds merits in the submission of the



writ petition. A bare perusal of the show cause notice discloses that the same was issued with regard to eight irregularities alleged against the petitioner whereas the impugned order of the Sub-Divisional Officer, Khagaria is based on an inquiry report enumerating eleven irregularities which have been taken into consideration and hence the impugned order has traveled beyond the show cause notice which is impermissible in law.

6. In the above circumstances, the impugned order dated 16.10.2016 passed by the Sub-Divisional Officer, Khagaria (Annexure-3) is accordingly set aside and the matter remanded to him for passing fresh orders after issuance of fresh show cause notice as well as supply of inquiry report if not already done, to the petitioner, in accordance with law.

7. The writ petition stands allowed.

8. In the meantime, supplies to the petitioner shall be restored without delay until fresh orders are passed by the Respondent no. 2.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

