

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12897 of 2017

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Ajit Kumar S/o Rghunandan Paswan Resident of Village- Sarwan, P.O.-
Usmanchak, P.S. Masaurhi, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food & Civil Supply,
Government of Bihar.
2. The District Magistrate, Patna,.
3. The S.D.O. , Masaurhi, Patna.
4. The Block Education Officer, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anujit Sinha, Advocate.

For the Respondents : Mr. Sanjay Kr. Giri, GP-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-02-2018

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

2. The present writ petition has been filed for setting
aside the order dated 14.01.2014 passed by the learned District
Magistrate, Patna in E.C. Appeal No. 97/2012-13 by which learned
District Magistrate was pleased to affirm the order dated 01.02.2012
passed by learned Sub-Divisional Officer, Patna contained in Memo NO.
22/Aa by which the learned S.D.O., Patna was pleased to cancel the
license of the petitioner to carry on trade as a P.D.S. Dealer.

3. Learned counsel for the petitioner makes a short
submission to assail the impugned order on the ground that a copy of
the insepction report was not made available to the petitioner and he



was never confronted with the same with an opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph-10 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the inspection report to the petitioner, though the same has been relied upon in the impugned order. Such infirmity could not be cured in the appeal.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of inspection report has not been controverted in the counter affidavit filed on behalf of the respondents.

5. In the above view of the matter, this Court is satisfied that non-supply of the inspection report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The appellate order dated 14.01.2014 (Annexure-1) and the impugned order dated 01.02.2012 (Annexure-4) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Masaurhi, Patna for taking decision afresh in the matter after supplying a copy of the inspection report to the petitioner and granting an opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

6. It is made clear that in case the stand of the petitioner



denying receipt of the inspection report prior to order of cancellation being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

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