

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5756 of 2014

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Seema Devi, Wife of Sri Gopikant Jha, resident of Village- Sahasmal, P.S.
Tarabari (Araria), District- Araria

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Araria
3. The Sub-Divisional Officer, Araria

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate.
Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondents : Mr. Anil Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-07-2018

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 12.02.2008 passed by the learned Collector,
Araria in Appeal No. 50/2007-08 by which the learned Collector, Araria
was pleased to affirm the order dated 20.12.2007, contained in Memo
No. 318/Aa dated 20.12.2007 passed by the learned Sub-Divisional
Officer, Araria by which the learned Sub-Divisional Officer was pleased
to cancel the license of the petitioner for running the Public
Distribution Shop being license no. 60A/2006.

3. Learned counsel for the petitioner makes a short
submission to assail the impugned orders, submitting that the solitary
ground for cancelling the petitioner's P.D.S. license was that the
approval of the District Selection Committee had not been taken prior
to issuance of the license. It is submitted however that at the relevant



time when the license was issued there was no such requirement under the extant Rules. It was for the first time that such requirement was introduced in terms of the Public Distribution (Control) Order, 2001 notified by the State Government on 20.02.2007 which was inapplicable at the time of grant of license to the petitioner.

4. Learned counsel for the respondents appears and has been heard. He has not controverted the stand of the petitioner.

5. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. The issue in question is no longer *res integra* and stands decided in a number of writ petitions including C.W.J.C. No. 14525 of 2008 (Annexure-5) against which State's L.P.A. No. 292 of 2013 was dismissed by a Division Bench of this Court in its order dated 14.03.2013.

6. In the above view of the matter, the impugned order dated 20.12.2007 passed by the learned Sub-Divisional Officer, Araria (Annexure-4) and the appellate order dated 12.02.2008 passed by the learned Collector, Araria (Annexure-1) are hereby quashed. License of the petitioner shall be restored without undue delay.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

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