

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2577 of 2017

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Parmanand Yadav, Son of Late Mahendra Yadav, Resident of Village-Bharko,
P.S.-Amarpur, P.O. Banka, District-banka

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department, of Food and Civil Supplies, Government of Bihar.
2. The Principal Secretary, Department of Fodd and Civil Supplies, Government of Bihar.
3. The District Magistrate, Banka.
4. The Sub Divisional Officer, Banka.
5. The Block Supply Officer, banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Respondent/s : Mr. Smt. Namrata Mishra- Ga6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 06-12-2018

1. The present writ petition has been filed for setting aside the order dated 08.08.2014 passed by the Sub Divisional Officer, Banka whereby and whereunder, the P.D.S. licence of the shop of the petitioner has been cancelled. The petitioner has further prayed for quashing the order dated 14.10.2016 passed by the District Magistrate, Banka in Appeal no. 49 of 2014-15, whereby and whereunder the appeal of the petitioner has been rejected.

2. The learned counsel for the petitioner submits that though in the show cause notice dated 09.07.2014, neither there is any whisper about any inquiry having been made nor a copy



of the inquiry report has been supplied to the petitioner, however in the order passed by the Sub Divisional Officer, Banka dated 08.08.2014, it has been stated that the Incharge-Block Supply Officer, Amarpur had submitted an inquiry report dated 13.12.2013 and the same has formed the basis for the cancellation of the licence of the petitioner herein. It is thus the submission of the learned counsel for the petitioner that the basis on which the licence of the petitioner has been cancelled is the inquiry report dated 13.12.2013, however the same has not been supplied to the petitioner herein resulting in grave prejudice being caused to the petitioner herein on account of the fact that the petitioner has been precluded from submitting his defence, hence the same has resulted in violation of the principles of natural justice. The learned counsel for the petitioner has relied upon a judgment reported in **2013 (2) PLJR 706**. The contention of the learned counsel for the petitioner is that such violation i.e. non supply of inquiry report vitiates the entire process and renders the order of the Sub-Divisional Officer void.

3. The learned counsel for the respondents does not dispute the position as existing in law.



4. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, the present writ petition is allowed and the order dated 08.08.2014 passed by the Sub-Divisional Officer, Banka as also the appellate order dated 14.10.2016 are hereby quashed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	.12.2018
Transmission Date	NA

