

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14980 of 2016

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Ramesh Paswan S/o Late Darbari Paswan, Resident of Village- Sudhiya, P.S.-
Gaurkhab, District-Patna.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Civil Department, Old Secretariat, Patna.
2. The Special Rationing Officer, Patna.
3. The S.D.O., Patna City, Patna.
4. The B.S.O., Fathua.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-07-2018

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 15.03.2016 passed by S.D.O., Patna City as
contained in Memo No. 224 whereby and whereunder the license
granted to the petitioner for carried on the business of a P.D.S. shop in
Panchayat Usta within the Block Fathua has been cancelled.

3. Learned counsel for the petitioner submits that the
impugned order of cancellation of the PDS license is wholly arbitrary
and illegal. A bare perusal of the show cause notice dated 25.01.2016



(Annexure-1) discloses that the petitioner was called upon to respond to the alleged irregularities enumerated at serial nos. 1 to 4 therein. However the impugned order has been passed with reference to certain allegations at serial nos. 3 and 4, namely that the petitioner is said to have supplied only one month foodgrains and the kerosene oil against entry in the ration card and/or tearing coupons for two or three months. It is stated that no such show cause in this regard has been given.

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

5. Having regard to the nature of the show cause notice dated 25.01.2016, this Court finds substance in the submission of learned counsel for the petitioner. The impugned order has proceeded on the basis of two additional allegations as aforesaid in respect of which there was no mention in the show cause notice and hence the impugned order travels beyond the ambit thereof. As a result, the petitioner has been denied an opportunity of presenting his case in respect of the said two allegations which has however weighed with the concerned authority while passing the impugned order. Denial of opportunity in this regard thus violates the principles of natural justice and vitiates the decision making process.

6. The impugned order dated 15.03.2016 passed by the



S.D.O., Patna City is hereby quashed and the matter remanded to the Sub-Divisional Officer, Patna City for taking a fresh decision in the matter after giving proper show cause to the petitioner and affording a proper opportunity of hearing in accordance with law.

7. In the meantime, the P.D.S. licence shall be restored and the petitioner be permitted to lift the articles for running the P.D.S. shop until fresh orders passed by the Sub-Divisional Officer, Patna City.
8. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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