

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21451 of 2018

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Rajnish Kumar Karn, son of Anand Kumar Karn, resident of Ward No.14
near Parihar, Dharharwa, P.S. Parihar, District Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Gupta

For the Respondent/s : Mr. S.Raza Ahmad -Aag5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-11-2018 The present writ petition has been filed for quashing the order dated 04.08.2016 passed by the Sub Divisional Officer, Sadar, Sitamarhi whereby and whereunder the P.D.S. licence of the petitioner herein has been cancelled.

The short ground raised by the learned counsel for the petitioner herein is that the impugned order of cancellation of the P.D.S. licence has been passed without issuing a show cause containing proposed action of cancellation of the P.D.S. licence of the petitioner, hence, the licence of the petitioner has been cancelled without being confronted with the proposed punishment.

The learned counsel for the petitioner has placed reliance on a judgment reported in **2015 (3) PLJR 189** as also the one reported in **2010 (3) PLJR 825**.

I have heard the learned counsel for the parties and perused the materials on record and I find that there is no dispute



with regard to the fact that the show cause issued to the petitioner nowhere mentions the proposed punishment of cancellation of P.D.S. licence, hence, the same vitiates the impugned order dated 04.08.2016, being violative of the principles of natural justice.

For the reasons mentioned hereinabove, the impugned order dated 04.08.2016 passed by the Sub Divisional Officer, Sadar, Sitamarhi is quashed, however, with liberty to the Sub Divisional Officer, Sadar, Sitamarhi to proceed further in accordance with law, if so advised.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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