

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13228 of 2018

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Sidheshwar Manjhi, S/o Kasam Manjhi, resident of Village- Naudiha Kala,
P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food & Civil Supply Department, Patna.
2. The SDO, Sadar Gaya.
3. The BSO, Manpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. Arvind Ujjwal-SC4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 02-08-2018

Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Petitioner challenges the order dated 11.04.2018 passed by the Sub Divisional Officer, Sadar, Gaya, as contained in Annexure-5 by which his licence being Licence No. 63/2016. has been cancelled finding certain irregularities and illegalities in the running of PDS shop.

Learned counsel for the petitioner challenges the cancellation order on the ground that on 24.01.2018, surprise inspection was made and the petitioner was asked to show cause by letter dated 28.01.2018, Annexure-1 to reply against certain irregularities found in the storage, distribution of PDS grains and



other commodities within three days. Show cause reply having not been filed by the petitioner, again vide letter dated 29.03.2018, Annexure-3, the licensing authority issued second show cause notice asking the petitioner to reply within 24 hours, otherwise his licence would be cancelled. Thereafter, petitioner submitted his reply, which was found unsatisfactory and his PDS license was cancelled by the impugned order dated 11.04.2018, Annexure-5.

Having heard the parties, in my view, the issue is no longer res integra as this Court in the case of Gano Bhuiyan @ Gano Manjhi Vrs. The State of Bihar and others, passed order dated 10.07.2018 in CWJC No. 9842 of 2018 relying on the decision of this Court in the case of Smt. Fulpati Devi Vrs. The State of Bihar, since reported in 2013 (1) PLJR 718 has held that three days time to reply to the show cause was clearly insufficient. Here the petitioner was granted three days time to file reply to the show cause and further one day time to reply to the second show cause which was clearly insufficient.

In view of the above, impugned order dated 11.04.2018, as contained in Annexure-5 passed by the Sub Divisional officer, Sadar, Gaya, Respondent No.2 is set aside and the matter is remanded to Respondent No. 2 to take a fresh decision in the



matter in accordance with law after granting reasonable opportunity of hearing to the petitioner.

Supplies to be restored forthwith until fresh order is passed by the licensing authority.

Writ application is allowed.

(Nilu Agrawal, J)

Arjun/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03 .8.2018
Transmission Date	NA

