

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17178 of 2018

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Vijay Das, Son of Late Nagina Das, Resident of Jhakra Shaikh, Police Station-Karaja, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Civil Supply Department, Old Secretariat, Patna.
2. The Secretary, Food & Civil Supply Department, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Assistant Director, Social Security Cell, Muzaffarpur.
5. The Sub-Divisional Officer, West Muzaffarpur.
6. The District Supply Officer, Muzaffarpur.
7. The Assistant District Supply Officer, West Muzaffarpur.
8. The Block Supply Officer, Madavan, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-10-2018 The present writ petition has been filed for quashing the order dated 27.12.2017 passed by the Sub-Divisional Magistrate, West Muzaffarpur as also the appellate order dated 24.07.2018 passed by the District Magistrate, Muzaffarpur.

The short point raised by the learned counsel for the petitioner is that the Sub-Divisional Magistrate, West Muzaffarpur while issuing show cause notice, though has referred to an enquiry report but has not either enclosed or given a copy of the enquiry report to the petitioner herein, hence the petitioner has been precluded from submitting his wholesome defence.



The learned counsel for the petitioner submits that such omission on the part of the Sub-Divisional Magistrate, West Muzaffarpur amounts to breach of the principles of natural justice.

The learned counsel for the petitioner has relied upon the judgments of this Court passed by the co-ordinate Bench, dated 10.05.2013 passed in CWJC No. 6388 of 2013 and the one dated 01.03.2013 passed in CWJC No. 17552 of 2011 whereby and whereunder the case of the said writ petitioners have been allowed solely on the ground that a copy of the inquiry report was not supplied.

The learned counsel for the respondents has not been able to controvert the said position in law.

Having regard to the facts and circumstances of the case as also considering the submissions of the learned counsel for the petitioner to the effect that the petitioner was not supplied a copy of the enquiry report, the order dated 27.12.2017 passed by the Sub-Divisional Magistrate, West Muzaffarpur as also the appellate order dated 24.07.2018 passed by the District Magistrate, Muzaffarpur are quashed and the matter is remanded back to the Sub-Divisional Magistrate, West Muzaffarpur for issuing fresh show cause notice enclosing a copy of the enquiry report and thereafter taking a decision in accordance with law after



considering the reply to be filed by the petitioner herein.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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