

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13788 of 2017

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Usha Devi Wife of Dilip Ram Resident of Village-Paura, P.S.-Paura District-Khagaria

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food & Civil Supplies, Govt. of Bihar, Patna.
3. The District Magistrate, Khagaria.
4. The Sub Divisional Officer, Gogri, Khagaria
5. The Block Supply Officer, Gogri, Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Ms. Sushmita Mishra, Advocate

For the Respondents : Mr. S. Raza Ahmad-AAG5

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

Heard learned counsel for the petitioner and learned counsel
for the respondents.

2. The present writ petition has been filed for the following
reliefs –

“(i) For the issuance of a rule in the nature of writ of certiorari for quashing the order dated 18.07.2017 passed by respondent no. 4, the Sub Divisional Officer, Gogri, Khagaria, whereby and whereunder P.D.S. licence of the petitioner bearing No. 02G/2008 has been cancelled on the ground that the Reply to the show cause notice filed by the petitioner was not found satisfactory by Respondent no. 5, The Block Supply Officer, Gogri, Khagaria and he recommended for the cancellation of the P.D.S. Licence of the petitioner de horse the



provisions contained in Clause 26 of the Bihar Targeted P.D.S. Control order, 2016(For – T.P.D.S. Order).

(ii) For the issuance of a rule in the nature of writ of Mandamus commanding the respondent authorities to revoke the cancellation of the aforesaid licence of the petitioner for the benefit of the beneficiaries of the petitioner.”

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that a copy of the enquiry report was not made available to the petitioner and she was never confronted with the same with an opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph 17 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the enquiry report to the petitioner, though the same had been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the enquiry report has not been controverted, as no counter affidavit has been filed till date.

5. In the above view of the matter, this Court is satisfied that non-supply of a copy of the enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making



process stands vitiated. The impugned order dated 18.07.2017 passed by the Sub Divisional Officer, Gogri, Khagaria (Annexure-1) is hereby quashed and the matter is remanded to him for taking decision afresh in the matter after supplying a copy of the enquiry report to the petitioner and granting an opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 4.

6. It is made clear that in case the stand of the petitioner denying receipt of the enquiry report prior to order of cancellation being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

