

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21066 of 2018

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Umesh Kumar, son of Late Basant Kumar, resident of village- Telanghi, P.S.-
Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
3. The Collector, Bhagalpur.
4. The Sub-Divisional Officer, Naugachhia, District- Bhagalpur.
5. The District Supply Officer, Bhagalpur.
6. The Assistant District Supply Officer, Naugachhia, District- Bhagalpur.
7. The Block Supply Officer, Kharik, District- Bhagalpur.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 27-11-2018

The present writ petition has been filed for quashing the order dated 28.12.2016 passed by the S.D.O., Naugachhia as also the order dated 23.07.2018 passed by the Collector, Bhagalpur in Supply Appeal Case No. 159 of 2016-17.

The learned counsel for the petitioner has raised a short issue for consideration to the effect that only twenty four hours' time was granted for filing the show cause reply which by any stretch of imagination is insufficient.

The learned counsel for the petitioner has relied upon a judgment rendered by a Co-ordinate Bench of this Court reported in 2013(1) PLJR 718 wherein this Court has held that three days' time granted to file the reply to the show cause notice was clearly insufficient.



Having heard the learned counsel for the parties and considered the materials on record, this Court is of the opinion that twenty four hours' time granted to the petitioner for filing show cause reply is thoroughly inadequate and amounts to breach of the principle of natural justice inasmuch as adequate opportunity has not been granted to the petitioner to put forward his defence.

For the reasons mentioned herein above, the writ petition is allowed and the order dated 28.12.2016 passed by the S.D.O., Naugachhia as also the order dated 23.07.2018 passed by the Collector, Bhagalpur in Supply Appeal Case No. 159 of 2016-17 are quashed, however, with liberty to the S.D.O., Naugachhia to proceed afresh in accordance with law.

(Mohit Kumar Shah, J)

nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29-11-2018
Transmission Date	N/A

