

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21050 of 2018

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Arbind Kumar, son of Sri Jagdish Baitha, resident of village- Ankupa, P.S.-
Kutumba, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Sub- Divisional Officer, Aurangabad.
4. The District Supply Officer, Aurangabad.
5. The Block Supply Officer, Kutumba, District- Aurangabad.
6. The District Manager, Bihar Food Supply Department, District-
Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal- SC-4

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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 24.07.2017 passed by the S.D.O., Aurangabad in Supply Miscellaneous Case No. 47 of 2017 as also the appellate order dated 23.07.2018 passed by the District Magistrate, Aurangabad in P.D.S. Appeal No. 49 of 2017.

The learned counsel for the petitioner has raised a short issue for consideration to the effect that only three days' 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 three days' 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 hereinabove, the writ petition is allowed and the order dated 24.07.2017 passed by the S.D.O., Aurangabad is quashed, however, with liberty to the S.D.O., Aurangabad to proceed afresh in accordance with law.

(Mohit Kumar Shah, J)

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

