

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19518 of 2018

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Premlata Devi wife of Sri Baleshwar Paswan @ Avinash Kumar, resident of Village Rampur Alouli, P.S. Alouli, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food, Commerce and Consumer Affairs, Old Secretariat, Patna.
2. The Collector cum District Magistrate, Khagaria, District Khagaria.
3. The Sub Divisional Officer, Khagaria, Dist. Khagaria.
4. The District Supply Officer, Khagaria, Dist. Khagaria.
5. The Block Supply Office, Alouli, District Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 01-10-2018

The present writ petition has been filed for quashing the order dated 08.04.2009 passed by the Sub Divisional Officer, Khagaria as also the appellate order dated 12.04.2009.

The learned counsel for the petitioner has raised two submissions for the purposes of assailing the aforesaid two orders i.e. firstly no copy of the enquiry report was supplied to the petitioner so that the petitioner could have filed a wholesome reply/ defence and secondly, the petitioner has been granted only three days' time to file his reply to the show cause, which is grossly inadequate. Reference in this connection has been made to the judgments of this Court reported in 2013(1) PLJR 718 and one reported in 2013(2) PLJR 706.

Having regard to the facts and circumstances of the present case, this Court finds that firstly the show cause notice suffers from the vice of being defective on account of non-supply of the enquiry report and secondly three days' time granted to the petitioner for submitting his defence is grossly insufficient and has resulted in



violation of the principles of natural justice.

For the reasons mentioned herein above, the order dated 08.04.2009 passed by the Sub-Divisional Officer, Khagaria and the appellate order dated 12.09.2017 are unsustainable in the eyes of law, hence are quashed, however, with liberty to the Sub-Divisional Officer, Khagaria to proceed in the matter afresh in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.10.2018
Transmission Date	N/A

