

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17286 of 2017

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Kedar Ram Son of Late Bilat Ram Resident of Village-illage-Mahamth
Maniyari, Police Station-Maniyari, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food and Civil Supply
Department, Old Secretariat, Patna.
2. The Secretary, Food and Civil Supply Department, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Sub-Divisional Officer, West, Muzaffarpur.
5. The Assistant District Supply Officer, West Muzaffarpur.
6. The Block Supply Officer, Kudhni, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar
For the Respondent/s : Mr.S.Raza Ahmad -AAG5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-07-2019 Learned counsel for the petitioner submits that there is a specific statement in the writ application from paragraph 19 to 22 that the impugned order has been passed mainly on the basis of the enquiry report submitted by the Block Supply Officer, Kudhni who never called upon the petitioner to participate in course of enquiry and even the enquiry report was prepared behind the back of the petitioner, copy of the same was not made available to him. The statements made in the writ application to the aforesaid effect have not been controverted in the counter affidavit by the respondents. Attention of this Court has been drawn towards paragraphs 16 and 17 of the counter



affidavit where the deponent of the counter affidavit has stated that the statements made in paragraph nos.16 to 18 require no comment. The statements made in paragraph nos.19 to 22 of the writ application have been vaguely denied without there being any assertion that the petitioner was given an opportunity to participate in the enquiry.

Learned counsel for the State is present. Although learned counsel has tried to defend the impugned order, but on the face of the statements available in the writ application which have not been denied in the counter affidavit, he is unable to show that while passing the impugned order copies of the enquiry reports were made available to the petitioner and any opportunity was given to him to submit his comments/explanation thereof.

This being the position, the impugned order cannot sustain the test of law which suffers from violation of principles of natural justice and is liable to be set aside. Accordingly, the impugned order as contained in Annexure-1 is hereby set aside. The matter is remitted to the S.D.O., West, Muzaffarpur for consideration of the matter afresh after complying with the principles of natural justice. Let the whole exercise be completed within a period of 90 days from the date of



receipt/production of a copy of this order.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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