

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2312 of 2019

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Fuldev Ray, aged about 42 years (Male), S/o Nagina Ray Vill.-
Paigambarpur, Saraiya Factory, Anchal-Saraiya, Distt.-Muzaffarpur.
... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Principal Secretary Department of Food and Consumer Protection, Govt. of Bihar, Patna.
3. The District Magistrate Muzaffarpur.
4. The Sub Divisional Officer Muzaffarpur (West).
5. The Block Supply Officer Saraiya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. **25-04-2019** After hearing learned counsel for the petitioner, this court is not persuaded to interfere with the order as contained in Annexure '1' to the writ application for the reason that the petitioner has got an alternative statutory remedy of appeal where all these pleas may be taken and after giving an appropriate opportunity to the parties the first appellate authority may look into the question of facts and take an appropriate decision thereon. It would not be just and proper for this court to go into the minute details and act like a fact finding court when prima facie the court finds that a show cause notice was issued to the petitioner



giving him an opportunity to respond, the petitioner had responded to the same, in his response to the show cause notice no plea was taken that the copy of the enquiry report has not been made available to him, and, therefore, all such aspects of the matter cannot be considered by the writ court at this stage.

In case, the petitioner, so advised, may prefer a statutory appeal within a period of 30 days from today and on filing of the same the appellate authority would consider the appeal on it's own merit without being prejudiced by any observation of this court for the purpose of refusing to exercise it's discretionary power under Article 226 of the Constitution of India. The appellate authority shall pass an independent order after giving appropriate opportunity of hearing to the petitioner and all concern. It will be open for the petitioner to apply for any of the materials which are available on the record and controvert the same in case of hearing of the appeal.

The appeal so preferred within the prescribed period will be decided within a period of 60 days from the date of filing of the appeal, and in case, any question of



limitation arises for consideration the appellate authority will keep in mind that the petitioner was pursuing his remedy before this court.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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