

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3838 of 2019

=====

Jai Prakash Ram, Son of Sri Shiv Narayan Ram, Resident of Village-
Majhaua, Panchayat- Lalganj Bagewa Tegraha, Post Office- Gangapur, Block-
Saraigadh, Distt. Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-Cum-Commissioner,
Food Supply and Commercen Department, Government of Bihar, Patna
2. The District Magistrate, Supaul
3. The District Supply Officer, Supaul
4. The Sub-Divisional Officer, Supaul Bihar
5. The Block Supply Officer, Saraigadh Under District- Supaul Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Narayan Mahto
For the Respondent/s : Mr.Alok Ranjan, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-10-2019 Petitioner in the present case is aggrieved by and

dissatisfied with the decision taken by the Screening Committee

headed by the District Magistrate, Supaul in its meeting held on

25.10.2018. By the impugned decision, the licence of the Public

Distribution System Shop issued in favour of the petitioner has

been cancelled on the ground that the petitioner had not

submitted a valid character certificate. He had not even

submitted any proof of having made an application for a new

character certificate and, therefore, the licence issued in favour

of the petitioner has been cancelled.

Learned counsel for the petitioner submits that prior

to cancellation of the licence issued in favour of the petitioner



no opportunity to show cause or hearing was given to the petitioner. It is only when subsequently the petitioner came to know about the decision taken in the meeting held on 25.10.2018 on receipt of memo no.1951-2 dated 08.12.2018 (Annexure-8) issued by the Sub-Divisional Officer, Supaul, he came to know about the discrepancies noticed by the Screening Committee. The petitioner however applied for a fresh character certificate and submitted the same in response to memo no.1941-A-2 dated 06.12.2018. Learned counsel submits that although memo no. 1941-A-2 dated 06.12.2018 is in the nature of a show cause notice to the petitioner but it was a mere empty formality inasmuch as it would appear that the decision to cancel the licence of the petitioner had already been taken by the Screening Committee headed by the District Magistrate, Supaul. It is the contention of the petitioner that immediately after receipt of Annexure-9 to the writ application petitioner had submitted the fresh character certificate which he had obtained from the office of Superintendent of Police vide memo no.6246 dated 12.11.2018. It is thus submitted that the impugned order suffers from violation of the principles of natural justice inasmuch as the licence of the petitioner has been cancelled without giving any opportunity to the petitioner to show cause



or to remove the discrepancies, if any noticed by the Screening Committee.

Learned counsel for the State submits that because the petitioner had earlier submitted a character certificate which had lost its life and was no longer valid because the character certificate remains valid for six months only the Screening Committee had rightly taken a decision to cancel the licence of the petitioner. Learned counsel for the State is however unable to demonstrate that prior to passing of the impugned order dated 25.10.2018 any opportunity to show cause was given to the petitioner.

Having heard learned counsel for the petitioner and the State as also on perusal of the records, this Court finds that the decision to cancel the licence of the petitioner was taken in the meeting held on 25.10.2018. The said committee was headed by the District Magistrate and at that stage no opportunity of show cause was given to the petitioner. If there was any issue with regard to validity of the character certificate which the petitioner had earlier submitted, in the opinion of this Court an opportunity of hearing was required to be given to the petitioner and an opportunity to place on record a fresh character certificate and that could have been done by giving a



notice to place on record the character certificate within a stipulated period. Instead of doing that, the Screening Committee decided to cancel the licence. It is not in dispute that otherwise the petitioner was most suitable candidate for grant of licence. In such circumstance, issuance of Annexure-9 to the writ application was a mere empty formality, even then the petitioner had already submitted a fresh character certificate with the show cause which was not considered.

In the totality of the facts and circumstances, the impugned order as contained in Annexure-8 to the writ application in so far as it relates to the petitioner is hereby set aside. The matter is remitted to the Screening Committee headed by the District Magistrate, Supaul who will consider the matter afresh keeping in view the character certificate produced by the petitioner and shall pass an appropriate order thereon after hearing all concerned within a period of two months from the date of receipt/production of a copy of this order.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

