

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.428 of 2019

In

Civil Writ Jurisdiction Case No.7226 of 2017

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Ramashankar Singh, Son of Ram Balam Singh, Resident of Village- Gonahi,
P.S.- Patahi, District- East Champaran.

... .. Petitioner-Appellant/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply
Department, Bihar, Patna.
2. The Commissioner Tirhut Division, Muzaffarpur.
3. The District Magistrate East Champaran, Motihari.
4. The Sub-Divisional Officer, Pakadi Dayal, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sumeet Kumar Singh, Advocate
Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-10-2019

Re: Interlocutory Application No.01 of 2019.

Heard learned counsel for the parties.

The cause shown is sufficient. The delay is condoned.

The appeal shall be treated to be within time. Interlocutory
Application stands allowed.



Re: Letters Patent Appeal No. 428 of 2019

Heard learned counsel for the appellant and the learned counsel for the State.

The dispute in this appeal arises out of the cancellation of the Public Distribution System licence of the appellant on the ground of certain irregularities. Admittedly, the appellant was issued a show cause notice after an enquiry was conducted to which he submitted a reply. The reply is on the record of the writ petition as Annexure-2.

After considering the reply, the order was passed by the concerned authority cancelling the licence against which an appeal was filed before the appellate authority that was also dismissed on 17th January, 2017. Assailing the cancellation as well as the appellate order, the appellant went up in revision before the learned Commissioner that has also been dismissed by a detailed order.

The writ petition was filed assailing the said orders that has been dismissed by a detailed judgement recording findings on merits and also on a procedural aspect as raised by the appellant.

Shri Sumeet Kumar Singh, learned counsel for the appellant has vehemently urged that the learned Single Judge has overlooked the main issue, namely, that copy of the enquiry report



that was not supplied to the appellant has been made the basis of cancellation and, therefore, this was a clear case of violation of principles of natural justice.

For this, the answer lies in the reply given by the appellant himself before the authority in response to the show cause notice dated 08.11.2014. The reply which is Annexure-2 to the writ petition nowhere indicates any lack of information about the foundation on the basis whereof the enquiry report had been submitted. To the contrary, the reply is parawise and it categorically gives details about the explanation given by the appellant in respect of the deficiencies which had been found during enquiry. It is, therefore, more than evident that the appellant was aware of the nature of the charges that formed the basis of the enquiry and as such we do not find any such prejudice having been caused to the appellant by non supply of the enquiry report.

Another argument which was advanced by Shri Sumeet Kumar Singh is that the learned Single Judge has arrived at the conclusions recording that since the copies of the appeal and the other related documents were not brought on record so as to demonstrate any such ground having been raised, therefore, such a plea would not be maintainable.



In our considered opinion, even if such a ground had been raised at the appellate or the revisional authority, the fact remains that an exhaustive reply has been given by the appellant as noted above. Consequently, the same cannot be a ground for reversal of the impugned judgement.

Accordingly, there is no error in the procedure adopted or the findings recorded by the learned Single Judge. The impugned judgement and the orders passed by the authorities do not call for any interference. Rejected.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Sunil/-

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