

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12867 of 2018

=====

Rajendra Prasad Yadav S/o Jiya Lal Prasad Yadav, a resident of Village-
Kachra, Panchayat- Karhaiya, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Foods and Consumer Protection Department, Patna.
2. The Commissioner Koshi Division, Saharsa.
3. Collector cum District Magistrate, Saharsa.
4. Sub Divisional Officer, Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Respondent/s : Mr.S.Raza Ahmed -Aag5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The only issue raised before this Court for setting
aside the impugned order is that the petitioner was not supplied
with the inquiry report while passing the impugned order at the
initial stage.

This Court called upon the learned counsel for the
petitioner to demonstrate from the materials available on the
record that this issue was ever raised before the appellate
authority at the first opportunity.

Learned counsel for the petitioner is unable to show
that this issue was ever raised before the appellate authority.



The Court finds that the issue which is being raised before this Court is afresh ground being brought before the Writ Court, in such circumstances, where the issue is being raised for the first time in the writ application and it has never been addressed before the authority concern who were the statutory authority under the Bihar Targeted P.D.S (Control) Order, 2016, this Court would not be willing to exercise it's discretionary power under Article 226 of the Constitution of India to find out illegalities or infirmities in the impugned orders by taking fresh grounds for consideration.

The Writ application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

T.Kr./-Rajeev

U			
---	--	--	--

