

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14312 of 2019

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M/S Janta Medical Hall Proprietor Kamla Rai age about 70 years old w/o
Dipnarayan Rai Premises situated at Boring Road Crossing, Patna R/o Maa
Bhagwati Niwas, Maa Bhagwati Complex, Boring Road Chauraha, P.s.-
Budha Colony, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Govt. of Bihar, New Secretariat, Patna
2. The State Drug Controller-cum-Chief Licensing Authority New Secretariat,
Bihar, Patna
3. The Assistant Drug Controller Drug Control Administration, Patna, 4th
Floor, NMCH, Campus Kankarbagh, Patna-20

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate
For the Respondent/s : Mr. Aditya Nath Jha, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-11-2019 Learned counsel for the respondents State has after

going through the records submitted that it may be a good case

for remand inasmuch as the show cause of the petitioner seems

not to have been considered by the competent authority.

The petitioner in the present case is seeking to
challenge the order dated 12.11.2018 contained in Memo No.
751 (Annexure '7) passed by the licensing authority and the
order of the appellate authority dated 16.05.2019 passed in
Appeal Case No. 27 of 2018 (Annexure '9' to the writ
application).

This Court has perused the impugned orders as



contained in Annexure '7' and Annexure '9' to the present writ application.

The Court is satisfied that the licensing authority as well as the Appellate Authority have not at all considered the show cause submitted by the petitioner and the same has been rejected by recording that the show cause was not found satisfactory.

In view of the reasonable and fair submission on behalf of the State, the impugned orders of the licensing authority as well as the appellate authority (Annexures '7' & '9') are hereby set-aside. The matter is remitted to the licensing authority for fresh consideration in accordance with law.

Let the fresh consideration be given within a period of three months from today and the appropriate order passed be intimated to the petitioner immediately thereafter.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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