

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25254 of 2019

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Jitendra Ram, Son of Shree Badal Ram, Resident of Village and P.O.- Lahang
Dumaria, P.S. Bihia, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Bhojpur at Ara.
2. The District Supply Officer, Bhojpur, Ara.
3. The Sub Divisional Officer Jagdishpur, Bhojpur.
4. The Block Supply Officer, Shahpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to GP-5 Mr. Anisul Haque, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2019 Heard Mr. Manoj Kumar, learned counsel for

the petitioner and Mr. Alok Ranjan, learned Advocate for

the State.

The petitioner has challenged the order dated

27.08.2019 passed in Appeal No. 1 of 2018 by the

District Magistrate, Bhojpur at Ara, whereby the order

passed by the Sub-Divisional Officer, Jagdishpur,

cancelling the PDS license of the petitioner has been

upheld and affirmed.

It appears from the records that on enquiry by



the Block Development Officer, Shahpur on 20.10.2017, the PDS shop of the petitioner was found closed. Because of the shop of the petitioner remaining closed, the stock as well as the distribution register could not be examined. There was no physical verification of the shop as well. The notice-board was also not hung outside the shop. On the aforesaid findings of the Block Development Officer, a notice was issued to the petitioner for furnishing his reply. The reply filed by the petitioner was not found to be convincing and hence the Sub-Divisional Officer, Jagdishpur *vide* his order dated 09.04.2018 cancelled the license of the petitioner.

Against the aforesaid order of cancellation of license, the petitioner approached this Court *vide* C.W.J.C. No. 21981 of 2018, which was disposed off on 20.12.2018 with a direction to the District Magistrate, Bhojpur at Ara to dispose off the appeal of the petitioner within a period of 12 weeks from the date of passing of the order.



Learned counsel for the petitioner while assailing the order submits that the time schedule provided by the Bench of this Court in disposing off the appeal within 12 weeks from the date of passing of such order was not followed; rather disobeyed with impunity.

Apart from this, it has been submitted that whatever reasons were given by the Sub-Divisional Officer in cancelling the license of the petitioner have only been reiterated by the appellate authority without any fresh application of mind.

It has been submitted that if there was no spot verification or verification of the stock and distribution registers, the anomalies or irregularities which have been alleged against the petitioner could not have been verified. In that view of the matter, the orders passed by the Sub-Divisional Officer and the Appellate Authority are all without any application of mind.

Apart from this, it has been submitted that the explanation of the petitioner that the stock as well as the



distribution register was lost and for which a station diary entry was recorded was not taken / accepted in correct perspective and merely because the registers were not produced before the authority, it was presumed that the shop was not being run properly.

Additionally, the petitioner has challenged the findings of the authorities on the ground that no consumer had ever made any complaint regarding irregularities in the distribution of the foodgrains or kerosene oil.

From the perusal of the orders impugned, it appears to be rather clear that the authorities did not accept the submission urged on behalf of the petitioner that the distribution or stock register was lost. Merely by informing the authorities that a station diary entry has been recorded with respect to the loss of the document would not absolve the petitioner of the charges which have been levelled against him.

In the absence of any such register, there was



no proof of the fact that the licensee ran the PDS shop in a proper manner. Even if the shop was closed, there was no reason why the notice-board was not hung outside. It is quite understandable that the notice-boards are more often than not convertible and are kept inside the shop but the explanation of the petitioner does not appear to be convincing to this Court also. The petitioner ought to have made attempts of showing the registers of earlier months. There is no effort on the part of the petitioner to demonstrate his bona-fides.

For the reasons which have been recorded in the order of the learned Sub-Divisional Order as well as the Appellate Authority, this Court does not deem it appropriate to interfere with the aforesaid orders.

There is no merit in this petition and it is dismissed accordingly.

(Ashutosh Kumar, J)

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