

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.567 of 2020

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Ram Janam Singh son of late Yadu Nandan resident of Village- Repura,
Rampur, Vishwanath, Police Station- Saraiya, Post Office- Saraiya, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Sub Divisional Officer, Muzaffarpur (West), Muzaffarpur.
5. The Block Supply Officer, Saraiya, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-02-2020

1. The present writ petition has been filed for quashing the order dated 26.12.2019, whereby and whereunder the P.D.S. licence of the petitioner has been cancelled.

2. The short issue raised by the learned counsel for the petitioner is that though in the show cause notice dated 16.11.2019, it has been mentioned that a copy of the inquiry report is enclosed, however the learned counsel for the petitioner has categorically made a statement in paragraph no. 15 of the writ petition that no inquiry report was enclosed with the show cause notice, hence it is submitted that the petitioner has been precluded from submitting his defence after consideration of the inquiry report, thus the same has resulted in



violation of Principles of Natural Justice. Reference in this regard be had to a judgment reported in **2013 (2) PLJR 706 (Brahmadeo Rai v. the State of Bihar and others)**

3. The learned counsel for the State submits that the show cause mentions about supply of inquiry report, however in case, the inquiry report has not been supplied, it has got nothing to do in this matter.

4. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the judgment rendered by this Court in the case of **Brahmadeo Rai (supra)**, this Court finds that since the inquiry report has not been supplied to the petitioner herein, the impugned order dated 26.12.2019 cannot be sustained, hence the same stands quashed and the writ petition stands allowed. It is needless to state that the Sub Divisional Officer, Muzaffarpur (West), Muzaffarpur shall be free to proceed in accordance with law after supplying a copy of the inquiry report to the petitioner.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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