

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24660 of 2018

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Braj Kishore Sharma Son of Vinda Singh, Resident of Chaksaid, Police Station- Rajapakar, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal, Secretary, Food and Civil Supply, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply, Govt of Bihar, Patna
3. The District Magistrate, Vaishali at Hajipur
4. The Sub- Divisional Officer, Hajipur
5. The District Supply Officer, Vaishali at Hajipur
6. The Block Supply Officer, Block - Hajipur, District- Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Sharma, Sr.Adv.
For the Respondent/s : Mr.Arvind Ujjwal -SC4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-09-2020 Heard Mr. Rama Kant Sharma, learned senior counsel

for the petitioner and Mr. Arvind Ujjwal, learned S.C.4 through

Video Conferencing.

2. Petitioner seeks quashing of Memo No.863 dated 10.10.2018 issued under the signature of Sub-Divisional Officer, Hajipur (respondent no.4) by which the P.D.S. license of the petitioner has been cancelled. Petitioner further seeks direction to the respondent to restore the license of the petitioner as the petitioner has not committed any illegality or irregularity.

3. Mr. Rama Kant Sharma, learned senior counsel for



the petitioner submits that from bare perusal of order impugned (Annexure 1), it would appear that the enquiry officer did not find any discrepancy. The stock was verified and no shortage was found. It is further submitted that the license of the petitioner was cancelled without taking into consideration the relevant facts and, therefore, order impugned suffers from illegality and jurisdictional error. It is further submitted that the petitioner filed statutory appeal before the Collector, Vaishali at Hajipur on 13.10.2018 but till date the Collector, Vaishali at Hajipur has not admitted the appeal and no date for hearing is fixed.

4. Taking into consideration the facts that the petitioner has already preferred statutory appeal against the order cancelling the license of the petitioner, therefore, I find that the Collector, Vaishali at Hajipur sat over the matter for about two years and did not fix any date for hearing the appeal. Accordingly, I dispose of the writ petition with a direction to the District Magistrate-cum-Collector, Vaishali at Hajipur to dispose of the appeal of the petitioner within three months from the date of receipt of this order. If the appeal is not disposed of within the stipulated period, the cancellation of license of the petitioner as contained in Annexure 1 shall stand revoked.



5. With the aforesaid direction, this writ petition
stands disposed of.

(Prabhat Kumar Jha, J)

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