

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6235 of 2020

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M/s Maa Vindhya wasini, Agency Proprietor Rakesh Kumar (male), aged about 49 years, S/o- Late- Madan Chand, Premise situated at Shop No. 21, R.C. Palace, G.M. Road, Patna-04, R/o- Kailash Kunj Kasturba Nagar, Bazar Samiti, P.S.- Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Cum Appellate Authority, Health Department, Government 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, N.M.C.H, Campus, Kankarbagh, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Shankar Das
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-06-2020 As of now, the Courts have not resumed normal physical hearing. The matter, therefore, has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the respondent-State.

The petitioner's retail licence has been cancelled by



order dated 13.01.2020 issued by the Assistant Drug Controller, Patna. The same is assailed in the instant proceedings. The petitioner's counsel submits that after obtaining liberty from this Court in the earlier writ proceedings instituted by the petitioner in CWJC No 2005 of 2020, appeal has been preferred before the State Government under Rule 66 (2) of the Drugs and Cosmetics Rules, 1945. The appeal bearing No 4 of 2020 has, however, been kept pending till date.

Learned State Counsel submits that the Principal Secretary -cum- Appellate Authority, Health Department, Government of Bihar, New Secretariat, Patna (for brevity, *Respondent No 1*) has now joined and taking up the appeal matters for consideration.

The petitioner has availed the remedy of appeal, and the forum, as per learned State Counsel, is now available and functioning.

In the circumstances, there is no occasion for this Court to deal with the correctness of the order cancelling the petitioner's retail licence, as the same is yet to be considered by the Appellate Authority.

This Court would only observe that the same be considered and disposed of expeditiously without any delay.



Learned counsel for the petitioner submits that petitioner, in order to facilitate consideration and disposal of his Appeal No 4 of 2020, will appear before Respondent No 1 on or before 02nd July, 2020.

Respondent No 1 would be under an obligation to consider and dispose of the petitioner's appeal by reasoned and speaking order in accordance with law within two weeks thereafter.

It is needless to say that the petitioner would also be required to cooperate for expeditious consideration and disposal of the appeal.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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