

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8738 of 2020

Manoranjan Karamkar, Son of Sipat Lal Karamkar, Resident of Village-
Mirpur, P.O.- Sonthat, P.S.- Rauta, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply,
Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply, Bihar, Patna.
3. The District Magistrate/ Collector, Purnea.
4. The District Supply Officer, Baisha, Purnea.
5. The Sub- Divisional Officer, Baisi, Purnea.
6. The Block Supply Officer, Baisi.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Rajiv Ranjan, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 15-12-2020 The matter has been listed today for consideration
through video conferencing.

The petitioner has suffered cancellation of his
Public Distribution System licence under order dated
18.01.2019 passed by the Sub-Divisional Officer, Baisi,
(Purnea). The same is impugned in the instant writ petition.

The short submission made by Mr. N.K. Agrawal,
learned Senior Counsel representing the petitioner is that the
appellate authority is considering the petitioner's appeal
upon remand by this Court by order dated 13.06.2019



passed in the petitioner's earlier writ petition, bearing CWJC No.10571 of 2019. The statutory appellate authority, therefore, should have considered whether the order of the Sub-Divisional Officer (SDO) dated 18.01.2019 was passed as per prescribed procedure and observing the principles of natural justice.

It is submitted that the procedure under the Bihar Targeted Public Distribution System (Control) Orders, 2016 does not contemplate the S.D.O. soliciting a report from the Block Supply Officer (Inspecting Officer in the instant case). Calling for such a report dated 13.01.2019 and considering the same is not only a procedural violation but also in violation of the principles of natural justice inasmuch as fresh material being the report dated 13.01.2019 was never made available to the petitioner and as such, the order passed relying upon such report would not stand the test of natural justice.

The Court had earlier directed the State Counsel to meet the objection raised by the writ petitioner. Counter affidavit has since been filed. The State Counsel submits that the petitioner has statutory remedy of revision against the order passed by the statutory appellate authority. Having



said so, he further submits that he is not in a position to dispute the fact that the Sub-Divisional Officer has relied upon the report dated 13.01.2019 of the Block Supply Officer, Amaur. The said fact clearly finds mentioned in the impugned order.

However, after some arguments, learned Senior Counsel submits that the petitioner would file a revision before the Divisional Commissioner, highlighting the infirmity in the order dated 04.02.2020 passed by the District Magistrate (Appellate Authority) wherein he has failed to consider this infirmity in the order passed by the passed by the Sub-Divisional Officer inasmuch as without making available to him a copy of the report submitted by the Block Supply Officer, Amaur dated 13.01.2019, the order has been passed visiting the petitioner with the penal consequences. This is an issue of violation of the principle of natural justice as well as a procedural lapse.

Learned State Counsel has raised no objection to the said submission of the learned Senior Counsel except for the fact that it is submitted that the revision would be time barred.

Considering the aforesaid submission, this Court



would dispose of the writ petition with an observation that if the petitioner files a revision within two weeks from today, the statutory revisional authority should consider the revision on its own merits without raising the issue of the same being barred by delay.

(Madhuresh Prasad, J)

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