

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15033 of 2019

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Surendra Sah, aged about 52 years, S/o Late Bajrangi Sah, Resident of Motipur, PS Tajpur, Dist. Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Collector, Samastipur.
3. The Sub Divisional Officer, Samastipur.
4. The Block Supply Officer, Tajpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Advocate
		Mr. Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, S.C.4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-11-2020 Heard Mr. Sanjeet Kumar, the learned counsel for the petitioner and Mr. Arvind Ujjwal, the learned S.C.4 through video conferencing.

The petitioner filed this writ petition for quashing the order dated 27.05.2019, passed in PDS Appeal Case No.236 of 2017, by the Collector, Samastipur by which the Collector dismissed the appeal of the petitioner in default.

It appears from perusal of the order that the petitioner was present but on call nobody appeared on behalf of the petitioner. On account of absence on single date, although the petitioner had appeared by filing attendance, the appeal has been dismissed. The Collector should have decided the appeal on



merit instead of dismissing the appeal on technical ground of non-appearance. Thus, I find that the order is illegal.

Accordingly, the order dated 27.05.2019, passed in PDS Appeal Case No.236 of 2017, by the Collector, Samastipur is set aside. The matter is remitted to the Collector, Samastipur to hear the appeal of the petitioner and decide the same on merit within two months from the date of receipt of this order.

The writ petition is allowed accordingly.

(Prabhat Kumar Jha, J)

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