

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18040 of 2019

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Ramchandra Ram, Son of Maharaj Ram, resident of Panchayaat Laxmipur
Rampurawa, Ward No. 01, Hawaii Adda, P.S. Bhaisalotan, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Government of Bihar New Secretariat Patna.
2. The District Magistrate, West Champaran Bagaha.
3. The Sub Divisional Officer, Sadar Bagaha, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Adv.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-12-2020 Heard Mr. Sanjeev Kumar Mishra, learned counsel for
the petitioner and Mr. Alok Ranjan, learned AC to AAG 5
through Video Conferencing.

2. The petitioner being aggrieved by the order dated
05.08.2019 passed by the Sub-Divisional Officer, Bagaha as
contained in memo no.473 dated 06.08.2019 by which the
P.D.S. shop licence of the petitioner has been cancelled, moved
this court for quashing the same.

3. Learned consul for the petitioner assailed the order
that during the course of enquiry, the Enquiry Officer found
shortage of certain amount of kerosene oil and the authority
directed for lodging F.I.R. It is further submitted that the
authority at the same time called upon the petitioner to file



show-cause. The petitioner filed his detailed show-cause but the learned counsel for the petitioner drew my attention at page 26 (last page of order impugned) and submits that the entire show-cause of the petitioner has been summarily rejected on the ground that it appears to be false and concocted. This is not the proper way to consider the show-cause. The order must reflect that the show-cause filed by the petitioner is properly considered and only then the order is passed. If the order does not speak about the reasons for consideration and the ground for rejection of the show-cause that amounts violations of principles of natural justice and it shall be deemed that the petitioner has not been heard properly. On this ground alone, the order requires to be set aside.

4. Mr. Alok Ranjan, learned AC to AAG 5 submits that the order is appealable but at the same time when his attention was drawn to the order rejecting the show-cause of the petitioner, learned counsel fairly submits that if the order is not a reasoned order and the show-cause has been rejected without assigning any reason, the matter requires to be remitted.

5. Having considered the submissions of both sides and on perusal of the order impugned, I find that the Sub-Divisional Officer has summarily rejected the show-cause of the



petitioner without assigning any reason. The quasi judicial authority is bound to properly consider the show-cause and the order itself should reflect proper consideration of the show-cause. If the show-cause is not considered properly that amounts non-hearing of the petitioner and the same vitiates the order impugned. Thus, the order dated 05.08.2019 passed by the Sub-Divisional Officer, Bagaha as contained in memo no.473 dated 06.08.2019 (Annexure 5) is set aside. The matter is remitted to the Sub-Divisional Officer, Bagaha to hear the petitioner afresh and pass order in accordance with law. Accordingly, The writ petition is allowed.

(Prabhat Kumar Jha, J)

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