

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21910 of 2019

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Baby Roy wife of Virendra Yadav, Resident of village- Gapha Kala, Village Panchayat- Gapha Khurd, Police Station- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Bodh Gaya, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Respondent/s : Mr. Upendra Pratap Singh AC to (Sc4)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-12-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner has filed this writ petition for quashing of the order dated 21.10.2019, as contained in memo No. 987 (Annexure-3) passed by the Sub divisional Officer, Sadar, Gaya by which license of the petitioner has been cancelled. The Sub divisional Officer, Sadar, Gaya issued show cause on four points containing in the show cause, as found by Md. Imtiyaz, Block Supply Officer. The petitioner submitted his detailed show cause reply but the S.D.O. sent the show cause of the petitioner to the Assistant District Supply Officer, Gaya for his opinion and after



having received the opinion the S.D.O cancelled the license of the petitioner.

The learned counsel for the petitioner submits that the report of Assistant District Supply Officer, Gaya was not served on the petitioner. The S.D.O has not even discussed the show cause filed by the petitioner and summarily rejected the show cause of the petitioner on the report of Assistant District Supply Officer, Gaya. An officer exercising quasi judicial functioning is bound to give reason for his decision after considering the materials on record. The order does not reflect that the show cause of the petitioner has at all been considered. Therefore, the order is violative of principles of natural justice. The S.D.O while hearing the petitioner on his show cause should not have acted in such manner and rejected the show cause of the petitioner on the report of Assistant District Supply Officer, Gaya. The report of Assistant District Supply Officer, Gaya was also not served on the petitioner.

Having considered the submissions of both sides and on perusal of the order, I find that the S.D.O while hearing the petitioner for canceling his license sent the show cause of the petitioner to Assistant District Supply Officer, Gaya who reported certain facts with regard to the affidavit filed by the



consumers and after having received the report of the Assistant District Supply Officer, Gaya the S.D.O. rejected the show cause of the petitioner but the order does not reflect that show cause of the petitioner has at all been considered and no reason for such rejection is recorded in the order. Thus, the order suffers from non consideration of the show cause and the same is illegal and not sustainable. Accordingly, the order dated 21.10.2019, as contained in memo No. 987 (Annexure-3) passed by the Sub divisional Officer, Sadar, Gaya is set aside. This writ petition is allowed and the matter is remitted to the Sub divisional Officer, Sadar, Gaya to reconsider the case of the petitioner and pass order afresh, in accordance with law, within four months from the date of receipt of this order.

With the aforesaid direction, this writ petition stands allowed.

(Prabhat Kumar Jha, J)

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