

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7067 of 2021

=====

Umesh Paswan Son of Sri Ramvaran Paswan Resident of Village-Sondiha
P.S.-Sherghari District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar thorough Principal Secretary, food and Civil Supply Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. Sub Divisional Officer Sherghati Gaya.
5. Block Supply Officer, Sherghati, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bibhuti Narayan, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-10-2021 The present writ petition has been filed for quashing the order dated 2.9.2020 whereby and whereunder the license of the PDS shop of the petitioner bearing license no. 626 of 2007 has been cancelled.

The short point raised by the petitioner is that though two show cause notices dated 18.8.2020 and 27.8.2020 were issued to the petitioner by the Sub-Divisional Officer, Sherghati, Gaya, but the inquiry report was not supplied to the petitioner as has been specifically stated by the



petitioner in his reply dated 22.8.2020 and 29.8.2020 respectively. It is further submitted that though the petitioner had specifically raised the issue of non-supply of the inquiry report in his show cause reply, but still the Sub-Divisional Officer, Sherghati, Gaya has neither supplied the copy of the inquiry report nor has addressed the said issue in the impugned order dated 2.9.2020, hence, the impugned order dated 2.9.2020 stands vitiated in the eyes of law.

Per contra, the learned counsel for the State, Sri Upendra Pratap Singh (AC to SC-4), has not disputed the position, as is existing in law.

I have heard the learned counsel for the parties and have gone through the materials on record from which it is apparent that though two show cause notices dated 18.8.2020 and 27.8.2020 have been issued to the petitioner, but it appears that the copy of the inquiry report was not annexed therewith inasmuch as the petitioner in his show cause replies dated 22.8.2020 and 29.8.2020 has categorically raised the issue



regarding non-supply of the inquiry report, but the same has not been addressed by the Sub-Divisional Officer, Sherghati, Gaya, hence, admittedly, the petitioner has been denied adequate opportunity to furnish his wholesome defence, resulting in violation of the principles of natural justice, thus, the impugned order dated 2.9.2020 passed by the Sub-Divisional Officer, Sherghati Gaya, stands vitiated in the eyes of law, thus, the same is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Sherghati, Gaya to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

