

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7373 of 2020

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Laleshwar Saday, Male, aged about 52 years, S/o Asharfi Saday, Village-Khaira, Panchayat - Prasad, Block - Madhepur, P.S.- Bheja, District-Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhubani.
3. The Sub-Divisional Officer, Jhanjharpur.
4. The Block Supply Officer, Madhepur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Advocate
For the Respondent/s : Mr. Ajay Kr.Rastogi, A.A.G.-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 11-02-2021 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the order contained in memo no.270 dated 16.06.2020 passed by the Sub-Divisional Officer, Jhanjharpur, by which the authority has cancelled the P.D.S. license of the petitioner on certain misconduct but, the fact is that the inquiry report done by the respondent authority was not served upon the petitioner and without service of the same, the Sub Divisional Officer, Jhanjharpur, has taken the decision.

Learned counsel for the petitioner submits that the plea which the petitioner has taken in his show-cause has not



been taken into consideration by the authority concerned while passing the impugned order.

As it appears that the impugned order has been passed without service of inquiry report upon the petitioner, which itself shows that illegality has been committed by the authority concerned in passing the impugned order. Accordingly, the impugned order contained in memo no.270 dated 16.06.2020 passed by the Sub-Divisional Officer, Jhanjharpur, is set aside. The matter is remanded to the Sub Divisional Officer, Jhanjharpur, with a direction to serve the copy of the inquiry report to the petitioner and if so like, the petitioner may file supplementary show-cause. In turn, the Sub - Divisional Officer, Jhanjharpur while passing the order will take into consideration the defence taken by the petitioner.

With the aforesaid observations and directions, this writ petition is allowed.

(Shivaji Pandey, J)

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