

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8876 of 2020

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Kanhaiya Prasad Son of Late Ramdhani Saw, Resident of Village- Chitab
Kala, Police Station-Sherghati, 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, Sherghati (Gaya).
4. The Block Supply Officer, Sherghati, Dist.-Gaya.
5. The Block Development Officer, Sherghati, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-03-2021

Heard learned counsel for the parties.

The petitioner, a PDS dealer is aggrieved by the order dated 29.04.2020 passed in Supply Case No. 31/2020 whereby his license under the PDS scheme has been cancelled.

A perusal of the order reflects that it has been passed in a mechanical manner by only stating that the explanation offered by the petitioner pursuant to the show cause notice to him was not very specific. The licensing authority, therefore, has come to the conclusion that in the absence of specific denial of charges, it could be presumed that irregularities were being committed by him.

This logic is absolutely not understandable.



An order which does not reflect any application of mind cannot be sustained in the eyes of law.

The licensing authority was required to state the grounds in brief and the explanation of the petitioner to such a charge, even if it was unsatisfactory or unacceptable. Not recording those facts has rendered the order absolutely unintelligible to this Court and this Court therefore has no facts before it to test the correctness of the order.

The order dated 29.04.2020 is therefore set aside.

The Sub-Divisional Officer, Sherghati (Gaya) is directed to pass a fresh order in accordance with law which shall incorporate the charges against the petitioner and the explanations offered by him as well as the reason for accepting or rejecting his explanation. The order must be passed within a period of thirty days from the date of receipt/production of a copy of this order.

The writ petition stands disposed off with the aforesaid observation/direction.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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