

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12055 of 2021

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Priti Kumari Wife of Laxuman Kumar resident of Village- Urba Panchayat,
Peter Pahri, Police Station- Chakai, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Jamui.
3. The Sub- Divisional Officer, Jamui.
4. The Block Supply Officer, Chakai, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jharkhandi Upadhyay, Adv.
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2021 The present writ petition has been filed seeking quashing of the order dated 8.4.2021 passed by the Sub-Divisional Officer, Jamui whereby and where under the P.D.S. license of the petitioner bearing license No. 15010005/18 has been cancelled.

The short point raised by the Ld. Counsel for the petitioner, Shri Upadhyay is that a bare perusal of the show cause notice dated 12.3.2021 would show that the same does not mention anywhere that a copy of the enquiry report is being enclosed therewith, hence non-supply of the enquiry report has caused grave prejudice to the petitioner in as much as she has been denied adequate opportunity to put forth her wholesome defence, hence the impugned



order dated 8.4.2021 stands vitiated in the eyes of law.

Per contra, the Ld. Counsel for the Respondent State, Shri Alok Ranjan, AC to AAG-5, has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that the show cause notice dated 12.3.2021 itself does not show that a copy of the enquiry report has been supplied to the petitioner, this Court finds that the petitioner has been denied adequate opportunity to represent her case, resulting in violation of the principles of natural justice and moreover, the present case is squarely covered by a judgment rendered by a co-ordinate Bench of this Court in the case of Brahmdeo Rai vs. The State of Bihar, reported in 2013(2) PLJR 706. Consequently, this Court finds that the impugned order dated 8.4.2021 is unsustainable in the eyes of law, hence is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Jamui to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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