

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13900 of 2021

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Md. Margub Alam Son of Md. Maqsood Alam Resident of Village- Sakri
Naya Tola, P.S.- Sakuri, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Department of Food and Civil Supplies, Bihar,
Patna.
3. The District Magistrate Madhubani.
4. The District Supply Officer Madhubani.
5. The Sub Divisional Officer Sadar, Madhubani.
6. The Block Supply Officer Pandaul, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Adv.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-10-2021 The present writ petition has been taken
up for consideration through the mode of Video
conferencing in view of the prevailing situation on
account of COVID 19 Pandemic, requiring social
distancing.

The present writ petition has been filed
seeking quashing of the order dated 1.6.2021
passed by the Sub-Divisional Officer, Sadar,
Madhubani.

The short point raised by the learned
counsel for the petitioner, Sri Abhinay Raj, is that



the last show cause notice was issued to the petitioner on 30.5.2021 and only 24 hours time was granted to the petitioner to furnish his show cause reply, as is also apparent from the last page of the impugned order dated 1.6.2021, however, on account of the prevailing pandemic i.e. Covid-19, it was impossible for the petitioner to furnish the show cause reply within 24 hours time and moreover, in any view of the matter, 24 hours time is not adequate enough and amounts to depriving the petitioner of adequate opportunity to put forth his wholesome defence, thus the same has resulted in violation of the principles of natural justice, as has also been held in a catena of decisions by coordinate Benches of this Hon'ble Court. Thus, it is submitted that the impugned order dated 1.6.2021 stands vitiated in the eyes of law.

Per contra, the learned counsel for the Respondent-State, Sri 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 admitted fact to the effect that the last show cause notice was issued on 30.5.2021 to the petitioner granting only 24 hours time to furnish his show cause reply, which in any view of the matter is not adequate enough to enable the petitioner to furnish his wholesome defence, this Court finds that the petitioner has been deprived of adequate opportunity to put forth his defence, resulting in violation of the principles of natural justice, hence, the impugned order dated 1.6.2021 stands vitiated in the eyes of law, thus, is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sadar, Madhubani to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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