

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10393 of 2020

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Ram Prasad Singh, Son of Bishun Singh, resident of Village - Bhoj Hata,
Police Station- Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Commissioner, Saran Division at Chapra.
3. The District Magistrate -cum-Collector, Gopalganj.
4. The Sub-Divisional Officer, Hathwa, Gopalganj.
5. The Block Supply Officer, Hathwa, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh
For the Respondent/s : Mr.Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 06-12-2021 Heard learned counsel for the parties.

2. The petitioner had a license to run *PDS* shop, which was cancelled by an order dated 06.08.2014, passed by the Sub-Divisional Officer, Hathwa-cum-Licensing Authority. The petitioner preferred an appeal belatedly, much beyond the statutory period of limitation against the said order dated 06.08.2014 before the Collector, Gopalganj, on 11.06.2015, giving rise to Supply Appeal No. 15/15. He took a plea in his application seeking condonation of delay that it was because of



departmental assurances that he could not file appeal within the stipulated time. The appellate authority rejected the appeal as time barred after rejecting the application seeking condonation of delay. The petitioner, thereafter preferred a revision application before the Commissioner, Saran Division, Chapra, assailing the order of the licensing authority and that of the appellate authority, which has been dismissed by an order dated 25.10.2019.

3. The petitioner, in the present writ application, is seeking quashing of the said order dated 25.10.2019 passed by the Commissioner, Saran Division, Chapra.

4. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner's appeal and revision have been rejected on technical grounds. He contends that the authorities should have rather considered the merits of the case in the interest of justice instead of rejecting his case on technical grounds.

5. We have perused the impugned order of the revisional authority. It transpires from the said order that the petitioner did not appear before the revisional authority on consecutive dates and thus, last chance was given to him to appear on 05.07.2019. The petitioner thereafter remained absent



even on 02.08.2019 and 20.09.2019. Having noticed the petitioner's repeated absence, the Divisional Commissioner opined that petitioner's conduct reflected lack of his interest to pursue the matter.

5. On careful perusal of the orders passed by the appellate authority and the revisional authority, we do not find any legal infirmity, requiring this Court's interference in the present proceeding under Article 226 of the Constitution of India. The orders contain reasons. The reason for dismissing the appeal on the ground of delay, without any valid and cogent explanation for such delay cannot be said to be unjustified. The decision of the revisional authority to dismiss the revision application considering the petitioner's continuous absence cannot be faulted with in the facts and circumstances of the case.

6. Situated thus, we do not find any merit in this application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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