

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1511 of 2021

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SANJAY KUMAR Son of Nanho Chdudhary Resident of Village- Bapunagar,
P.o.- Bhalua, P.s.- Bodh Gaya, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old secretariat, Patna
2. The District Magistrate, GAYA
3. The S.D.O. Sadar Gaya
4. The District Supply Officer, GAYA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, A.A.G. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 06-12-2021

Petitioner has prayed for the following relief(s):

- “(I) For quashing the order dated 28.02.2019 as contained in Memo no-237 (Annexure-6) whereby and where under the selection of the petitioner for grant of PDS license for running a PDS Shop in the Panchayat- Nagar Parishad Bodh Gaya has been cancelled.
- (II) For a direction to the respondent authorities for grant of PDS license for running a PDS Shop in the Panchayat- Nagar Parishad Bodh Gaya.
- (III) Any other relief(s) that the petitioner may be found entitled to under the facts and circumstances of the case.”

Petitioner challenges the order passed by S.D.O.,
Gaya Sadar, Gaya cancelling his P.D.S. license on the ground



that he does not fulfil the elementary conditions for grant of the P.D.S. Licence under Section 62 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

Appeal lies before the Commissioner of the concerned Division against the order of the S.D.O. cancelling the recommendation of District Selection Committee which is headed by the District Magistrate.

With such liberty, the writ petition is disposed of.

If any appeal against the impugned order passed by the S.D.O., licensing authority dated 28.02.2019 is preferred before the Commissioner, Gaya, the delay in filing the appeal be condoned and the appellate authority shall decide the appeal of the petitioner on merits within a period of eight weeks from the date of filing of such appeal.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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CAV DATE	
Uploading Date	10.12.2021
Transmission Date	

