

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14496 of 2019

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Birendra Paswan Son of Late Rajdeo Paswan Resident of Village- Ararua,
P.S.- Karghar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The District Magistrate cum Chairman District Selection Committee, Appellate Authority, Rohtas, District- Rohtas.
3. The Sub Divisional Officer cum Licensing Authority Rohtas at Sasaram.
4. The District Supply Officer District- Rohtas.
5. The Block Supply Officer Karghar Block, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Arvind Ujjwal, SC4
A.C. to S.C.4

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-01-2021 Heard learned counsel for the petitioner and learned
A.C to S.C.4 for the State.

The petitioner has filed the instant application for setting aside the office order bearing memo no.750 dated 22.12.2018 (Annexure-3) issued by Licensing Authority (respondent no.3) as also the appellate order dated 22.6.2018 (Annexure-4) passed in Supply Appeal Case No.6 of 2009 by the District Magistrate, Rohtas at Sasaram, to consider the claim of the petitioner for grant of PDS shop licence on compassionate ground and for other reliefs.

The case of the petitioner in brief is that his father late



Rajdeo Paswan was the original licensee of a PDS Licence bearing Licence No.1 of 1996. By order dated 13.10.2018 (Annexure-1) the said licence was suspended in gross violation of the principles of natural justice. The father of the petitioner, the original licensee submitted his reply to the show cause as contained in Annexure-2 and by order dated 22.12.2018 (Annexure-3) passed by the Sub Divisional Officer, Sasaram the P.D.S.licence of the original licensee was cancelled. The original licensee preferred an appeal being Supply Appeal Case No.6 of 2009 in the Court of Collector, Rohtas, Sasaram. Unfortunately, the original licensee died on 20.10.2020 and was substituted in the said appeal by his son, the petitioner herein. The appeal has been rejected by order dated 2.6.2018 against which the instant application has been preferred. Learned counsel for the petitioner further submits that the orders impugned are in teeth of the judgment in the case Krishna Kumar Srivastava versus State of Bihar reported in 2013(3) PLJR 249.

A preliminary objection is being raised by the learned counsel for the respondents with respect to the maintainability of the instant application. It is submitted that in view of Rule 32 (vi) of the Bihar Targeted Public Distribution System (Control)



Order, 2016 against an order passed in appeal by the District Officer, a revision is to be filed before the Divisional Commissioner.

Having heard learned counsel for the parties, without entering into the merits of the case of the parties, the application is disposed of giving liberty to the petitioner to prefer a revision before the appropriate authority in terms of Rule 32 of the Bihar Targeted PDS (Control) Order, 2016 and to raise all points available to him before the revisional authority and the revisional authority shall take into consideration pendency of the instant application in this Court and decide the revision within the time fixed in Rule 32(vi) of the Control Order 2016.

The writ application stands disposed of.

(Partha Sarthy, J)

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