

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4332 of 2021

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Doctor Yadav S/o Bhavati Yadav Resident of Mohallah/ Village- Baluahi,
ward no. 25 Nagar Parishad, Khagaria, P.S. and District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Food and Supply Department,
Bihar, Patna.
2. The Collector Khagaria.
3. The Distt. Food Supply Officer Khagaria.
4. The Sub- Divisional Officer Khagaria Distt.- Khagaria.
5. The Marketing Officer Bathnaha.
6. The Officer in Charge Khagaria town, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Devendra Kumar, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmed, AAG-5 Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

4 01-12-2021 The present writ petition has been filed for

quashing of the order dated 4.5.2020, passed by
the Sub-Divisional Officer, Khagaria, whereby and
whereunder the license of the petitioner bearing
License no. 5K/2007 has been suspended.

The short point raised by the petitioner for
consideration is that as per Rule 28 of Bihar
Targeted Public Distribution System (Control)



Order, 2016, the period of suspension cannot survive beyond a period of 180 days and during the said period of 180 days of suspension of the license, a final order has to be passed but the same has not been passed in the present case, hence the order dated 04.05.2020 stands vitiated in the eyes of law.

The learned counsel for the respondent-State submits that in case, it transpires subsequently that the final order has already been passed in the present case, liberty be granted to the respondents to move this Court for the purposes of modification/ recall of the order being passed today.

Liberty so sought, is granted.

Having regard to the facts and circumstances of the case and considering the provisions contained in Rule 28 of Bihar Targeted Public Distribution System (Control) Order, 2016, this Court finds that the period of suspension of the P.D.S. license of the petitioner has exceeded a period of 180 days, however no



final decision has been taken, hence, the
impugned order dated 04.05.2020 stands vitiated
in the eyes of law, thus is quashed.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

Tiwary/-Ajay/-

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