

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3347 of 2020

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Rajdev Prasad Yadav, aged about 46 years, Gender - Male, S/o Gulab Prasad Yadav, Resident of Village - Kathautiya Kewal, P.S.- Fatehpur, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The SDO, Sadar Gaya.
3. The Block Supply Officer, Fatehpur, Gaya.

... .. Respondents

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Appearance :

For the Petitioners : Mr. N. K. Agarwal, Senior Advocate
Mr. Vijay Anand, Advocate
For the Respondents : Mr. Alok Ranjan, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 23-08-2021

Heard learned senior counsel for the petitioner and learned counsel for the respondents through video conference.

2. The present writ petition has been filed “for challenging the order dated 18.09.20219 passed by SDO Sadar Gaya fully contained in Memo No. 872 whereby and whereunder the License no. 73/2016 was suspended observing therein that the show cause reply filed by the petitioner is not found satisfactory.”

3. Mr. N.K. Agarwal, learned senior counsel appearing on behalf of the petitioner assails the impugned order dated 18.09.2019 (Annexure-3) on two grounds, namely, (i) that the petitioner’s show cause has been rejected by a non-speaking



order stating simply that the reply was found to be unsatisfactory; and (ii) that the license of the petitioner has been suspended with reference to Rule 27 (ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016, whereas the said Rule does not contemplate suspension of license.

4. Learned counsel for the respondents appears and has been heard. As far as rejection of show cause is concerned, it is submitted that the same was not found satisfactory based on materials on record. As regards the suspension of license, however, no serious objection has been made considering the provisions of Rule 27 (ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

5. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. The impugned order dated 18.09.2019 itself demonstrates that the show cause of the petitioner has been rejected merely stating that the same was found unsatisfactory but without affording any reason in that regard. The provisions of Rule 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016, as rightly submitted by learned senior counsel for the petitioner, do not contemplate suspension of license.

6. In the above circumstances, the impugned order dated 18.09.2019 passed by the S.D.O., Sadar, Gaya (Annexure-3)



cannot be sustained and accordingly, the same is set aside. However, the respondents shall be at liberty to pass fresh orders in accordance with law after consideration of the petitioner's show cause and after grant of an opportunity of hearing to the petitioner. Needless to say, in the meantime, the license of the petitioner shall be restored without delay.

7. It is made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and the petitioner shall be at liberty to request for hearing through video conference. To facilitate disposal, the petitioner shall furnish his mobile number and email ID to the concerned respondent within a week from today.

8. The writ petition, accordingly, stands allowed.

(Vikash Jain, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	24.08.2021
Transmission Date	N/A

