

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1770 of 2022

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Ram Ekbal Rai, aged about 63 years, male, son of Satya Narayan Rai,
Resident of Kadamawa Tola, Ward No. 13 Kadamawa, P.S.- Ghorasahan,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collectors, East Champaran.
3. The Sub-Divisional Officer, Sikrahana Dhaka, East Champaran.
4. The District Programme Officer, East Champaran.
5. The Block Supply Officer, Sikrahana, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, State

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 20-04-2022

Heard the learned counsel for the parties.

2. The license of the petitioner was cancelled
against which he had approached the Appellate Authority,
but failed.



3. The petitioner, perforce, came to this Court *vide* C.W.J.C. No. 5300 of 2019, which was disposed off by order dated 13.11.2019 observing that if a document like the inquiry report is not made available to the petitioner, he would not get any opportunity to submit a proper show-cause to the notice so served upon him. The Appellate Authority, therefore, was directed to consider the Appeal of the petitioner afresh, keeping in mind the afore-noted aspect of the matter and take a final decision.

4. Pursuant to the aforesaid direction, the matter was again heard by the Appellate Authority, *viz.*, the District Magistrate, East Champaran, Motihari, but in this instance also, the inquiry report was not made available to the petitioner and the order of cancellation of license was sustained.

5. A specific plea has been taken by the learned counsel for the petitioner that despite the direction of this Court in the earlier writ petition, the inquiry report was never furnished to him.



6. On this issue, this Court had directed the State counsel to file a detailed counter affidavit.

7. The counter affidavit which has been filed does not advert to the aforesaid issue at all.

8. Thus, it appears that in the second instance also, the petitioner has not been afforded the inquiry report.

9. In the aforesaid circumstance, we can only say that this is intransigence on the part of the Appellate Authority, which is not appreciated.

10. Thus, we set-aside the order passed by the Appellate Authority which has been impugned in this petition.

11. The matter is remitted to the Appellate Authority again for affording the copy of the inquiry report and then passing a fresh order in accordance with law. The Appellate Authority ought to understand that he would be held solely responsible for the delay in any decision in this case. The Appellate Authority also appears to be in contempt of an order passed by this



Court in not supplying the copy of the inquiry report and disposing of the Appeal without following such direction.

12. However, we are not taking any action in the matter for the present, hoping that the order passed by this Court shall, in this instance, be complied with in true spirit and a reasoned order shall be passed within a period of one month from the date of receipt/production of a copy of this order, failing which a serious view in the matter shall be taken. Any order passed by the Appellate Authority shall be made available to the petitioner forthwith.

13. The writ petition stands disposed off accordingly.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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