

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3361 of 2022

=====

Santosh Kumar Shrivastava Son of Late Madan Prasad Shrivastava, Resident of Village-Vijayipur, Gram Panchayat-Nautan, Block and P.s.-Vijayipur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar Patna.
3. The Commissioner Saran Division, Chhapra.
4. The District Magistrate, Gopalganj.
5. The Sub-Divisional Officer, Hathua, District-Gopalganj
6. The Block Supply Officer, Vijayipur, District-Gopalganj

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5
For the Respondent/s : Mr.S. Raza Ahmad (AAG 5)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 20-06-2022

Heard Mr. Sanjay Kumar Pandey No.5, learned advocate for the petitioner and learned counsel for the State.

The petitioner's license has been cancelled, which order has been sustained by the appellate as well as the revisional authorities.

The learned counsel for the petitioner has submitted that all the orders passed by the authorities are mechanical orders, without there being any reason or justification for the same.



The shop of the petitioner was found to be closed on the date when it was inspected. Some of the customers tagged with the shop of the petitioner had made a written complaint that after supplying one month's quota to the customers, their signature were obtained for two months' delivery. It was also alleged against the petitioner that he displayed drunken behavior and ill-treated the customers/beneficiaries.

The learned counsel for the petitioner has submitted that none of these charges would be demonstrated before the authorities. In fact, the notice received by the petitioner does not indicate the time when the shop of the petitioner was inspected for him to controvert the correctness of the allegation therein that the shop of the petitioner was closed. The learned counsel for the petitioner has made a further grievance that the stock register was never examined nor was adverted to. The enquiry report was also not supplied to the petitioner and in none of the orders, there is any reference of the findings in the enquiry report. On these grounds, the learned counsel for the petitioner has submitted that the order of cancellation of license, in the first instance, was wrong and the orders of the appellate as well as revisional authorities are only repetition of the order of the licensing authority, cancelling the license of the petitioner.



After having heard the counsel for the petitioner and having perused the record, we find that there is a written complaint against the petitioner by the targeted beneficiaries about irregular supply of food grains and intemperate behavior of the licensee.

Though the learned counsel for the petitioner has tried to rebut the aforesaid charges, but considering the fact that such charges were examined by the Licensing, the Appellate as well as the Revisional Authorities, we are not inclined to differ with the findings of the aforesaid authorities. It cannot be gainsaid that in none of the orders, there is any reference of the stock register or of the entries in the inspection report but in view of the allegation against the petitioner, those are not required. There is no charge against the petitioner of not maintaining the up-to-date record of the stock for the authorities to have compulsorily checked and verified the stock register.

So far as the enquiry report is concerned, the petitioner never made any grievance before any of the authorities, rather he responded as if he was in receipt of such enquiry report.

Be that as it may, the findings of the authorities at all levels that the petitioner did not follow the rules of a PDS dealer and that the supply line to the beneficiaries was irregular, we are not inclined to interfere with the orders passed by the authorities.



For the reasons aforestated, this writ petition is
dismissed but without costs.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2022
Transmission Date	

