

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8589 of 2021

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Sulekha Devi resident of Village and P.O. - Rajla, P.S. - Kudhani, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Food and Civil Supply, Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The Sub-Divisional Officer, Muzaffarpur.
5. The Block Development Officer, Kudhani, Muzaffarpur.
6. The Incharge Block Supply Officer, Kudhani, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

6 13-04-2022 Heard learned counsel for the parties.

In the enquiry report indicating that the PDS shop of the petitioner was found closed on 21.06.2018 and the display board was not updated, the licence of the petitioner was cancelled after finding the explanation offered on behalf of the petitioner to be unsatisfactory.

It is the case of the petitioner that the shop remained closed only for a day on account of marriage in the family and that the shop was opened on the next day and supply of



subsidized food-grains and other articles to the targeted customers resumed thereafter. There is no complaint whatsoever against the petitioner in his capacity as licensee about not performing her obligations as has been delineated in the Control Order of 2016.

Against the order of cancellation of licence, she approached the High Court vide CWJC No.16666 of 2018. A Bench of this Court vide order dated 27.05.2019 directed the petitioner to prefer the statutory appeal under Rule 32(iii) of the Control Order of 2016.

Consequently, an appeal was filed against the order of cancellation of licence, which too was dismissed by the appellate authority, holding that the reasons assigned by the petitioner for keeping the shop closed for a day was not satisfactory. Similarly, the revision petition also has been rejected.

Hence, the aforesaid writ petition.

It is the contention of the writ petitioner that the shop was closed only for a day and that there had not been any complaint whatsoever from anyone of the targeted beneficiaries. The orders passed by the authorities indicate that the explanation of the petitioner has not been accepted only for the



reason that wedding dates are always pre-scheduled and, therefore, if the petitioner had to absent herself, she was required to obtain a permission and was further obligated to make an alternative arrangement for running the shop as a PDS shop is required to be kept on during all days of the week. That not having been done, it was found that the writ petitioner had not performed her obligations in a proper manner.

After having gone through the orders passed by the licensing authority as well as the appellate and the revisional authorities, we find that despite the fact that the shop was found closed only for a day and that the display board was not updated, the licence has been cancelled, which cancellation order has been sustained.

We are of the considered opinion that in absence of any complaint whatsoever of any irregularity in closing the shop for a day, the decision to cancel the licence is not appropriate. The wedding invitation card has also been brought on record in support of the contention of the petitioner that she had absented herself only for a day. The very next day, the shop was opened and the supply to the targeted customers was resumed.

In that view of the matter, we are not inclined to sustain the orders passed by the licensing authority as also by



the appellate and revisional authorities.

All the orders impugned in the present petition are,
therefore, quashed.

The licensing authority is directed to restore the
licence of the petitioner forthwith and de-tag the beneficiaries
from the other PDS shop and attach it with the shop of the
petitioner.

The aforesaid order ought to be passed within a period
of 15 days from the date of receipt/production of a copy of this
order.

The writ petition stands allowed and disposed of
accordingly.

(Ashutosh Kumar, J.)

(Anjani Kumar Sharan, J.)

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