

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4310 of 2022

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M/s Mandal Medical Hall Represented by Smt. Shaima Qudusi (female), aged about 26 Years W/o-Md Jamaluddin, Premises Situated at Ground Floor at Sanhoula, P.O. and P.S.-Sanhoula, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Health Department, Government of Bihar, New Secretariat, Patna.
2. The State Drug Controller-Cum-Licensing Authority, New Secretariat, Bihar, Patna.
3. The Assistant Drug Controller, Drug Control Administration Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Shankar Das, Adv
For the Respondent/s : Mr.Nagendra Pd. Yadav (SC23)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) To quash the order dated 23.12.2021 vide Memo No. 742 passed by the Assistant Drug Controller, Bhagalpur, whereby the license of the petitioner has been cancelled on non-est ground & without application of mind & without considering the reply of show cause. So that the impugned order is wholly without jurisdiction not sustainable in the eye of law.

(ii) To treat the wholesale licence No. 07/2016 (R) Form 20 & 07A/2016 (R) Form 21 issued on 09.02.2016 is valid and operative.”

We find the impugned order, whereby the petitioner’s licence issued under the Drugs and Cosmetics Act stands

cancelled, to have been passed without compliance of principles of natural justice. There are different facets of principles of natural justice and one of them affording opportunity of hearing, at least issuance of notice and the other passing an order assigning certain reasons in support of the proposed action. Unfortunately, in the instant case none of them stands complied with.

Violation of principles of natural justice has resulted into not only civil but penal consequences, as such the same needs to be quashed and set aside.

Ordered accordingly.

The order dated 23.12.2021 vide Memo No. 742 passed by the Assistant Drug Controller, Bhagalpur, (Annexure-4 Page-17) is quashed and set aside, reserving liberty to the appropriate authority to pass a fresh order in accordance with law.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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