

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7914 of 2021

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Raj Kumari Devi Wife of Ganesh Prasad Rai Resident of Village - Naya Tola
Haraji, P.S. - Awtar Nagar, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food
Commerce and Civil Supplies, Govt. of Bihar, Patna
2. The Commissioner, Saran Division, Chapra
3. The District Magistrate, Saran at Chapra
4. The Sub-Divisional Officer, Sonapur, Saran
5. The District Supply Officer, Saran at Chapra
6. The Block Supply Officer, Sonapur, Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Arvind Kumar Sinha, Advocate

For the Respondent/s : Mr Arvind Ujjwal, SC IV

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CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 22-04-2022

This case has been taken up for online hearing through
video-conference because of COVID 19 pandemic restrictions.

2 Heard learned counsel for the petitioner and the
respondents.



3 The petitioner was granted licence to run a Public Distribution System (for brevity, PDS) shop. She is aggrieved by the order passed by the Licensing Authority dated 12.08.2017 whereby the petitioner's licence has been cancelled. She had preferred an appeal before the District Magistrate, Saran at Chapra against the said order of the Licensing Authority which came to be rejected by an order dated 20.08.2018. Aggrieved by the order of the Appellate Authority, the petitioner preferred a revision application before the Commissioner, Saran Division, Chapra which too has been rejected by an order dated 09.10.2019.

4 The said three orders dated 12.08.2017, 20.08.2018 and 09.10.2019 have been put to challenge in the present writ application, filed under Article 226 of the Constitution of India.

5 Before issuance of the order cancelling the petitioner's licence, the petitioner was given an opportunity to submit her explanation in relation to the alleged irregularities and proposed cancellation of licence for the said irregularities committed by the petitioner in running the PDS shop. There were three charges in the said show cause notice. First of them was that on the date of inspection of the shop on 11.05.2017, she was absent from the shop which was found closed. Secondly, because the shop was closed, the registers of the shop could not be inspected. Thirdly,



some of the beneficiaries had alleged before the Inspecting Officer that the food grains were distributed to them belatedly, on one month's interval.

6 The petitioner submitted her explanation on 08.06.2017, a copy of which has been brought on record by way of Annexure 3 to the writ application. On perusal of the petitioner's explanation, filed pursuant to the said show cause notice, it is evident that the petitioner did not deny the fact, alleged in Charge No 3. She, however, explained that 922 units of beneficiaries under Food Security Act were tagged with the petitioner's PDS shop by the Block Supply Officer, Dighwara whereas the petitioner was receiving food grains against 670 units only and, therefore, some of the beneficiaries stood deprived of supply of ration and were being provided ration on rotational basis. The said explanation of the petitioner came to be rejected by the Licensing Authority assigning various reasons including the fact that the petitioner had, at no point of time, made any complaint in this regard before the competent authority. The appellate authority, having found no merit in the petitioner's appeal, rejected the appeal of the petitioner, as has been noted above. The petitioner's revision application also came to be dismissed by an order which is impugned in the present writ application.



7 Learned counsel appearing on behalf of the petitioner has submitted that for single aberration of one day's closure of the shop, extreme action of cancellation is not justified. He has relied on a Division Bench decision of this Court reported in the case of ***Turant Lal Paswan -Versus- State of Bihar & Others, 2012 (3) PLJR 583*** to contend that for a single aberration, the petitioner's licence ought not to have been cancelled.

8 On perusal of the impugned orders, we find no force in the aforesaid contention made on behalf of the petitioner. The cancellation of the petitioner's licence is not only on the charge of closure of the shop on the day when the inspection was conducted, rather the same is based on proof of the third charge also which related to irregularities in distribution of food grains to the beneficiaries by the petitioner. The order of the Licensing Authority is apparently well reasoned and discloses application of mind. In our opinion, the Appellate Authority and Revisional Authority, on due consideration of the points taken by the petitioner before them, have rejected petitioner's appeal and revision. The said orders, in our opinion, do not suffer from such legal infirmity as to require interference by this Court in a judicial review proceeding under Article 226 of the Constitution of India.



9 For the foregoing reasons, we do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.04.2022
Transmission Date	NA

