

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9862 of 2021

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Md Sanaullah S/o Md. Habibullah Resident of Ward No.5, Village- Andauli,
P.S.- Kishanpur, Dist- Supaul.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The District Supply Officer, Supaul.
4. The Sub-Divisional Officer, Supaul.
5. The Block Supply Officer cum Block Development Officer, Kishanpur, Dist- Supaul.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Kumar Goutam
For the Respondent/s : Mr.Arvind Ujjawal (Sc4)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022 The petitioner has prayed for the following relief(s):-

- (I) For quashing the order dated 21.01.2020 passed by District Collector Supaul, in supply Appeal No.10/2019 contained in annexure 5 to this writ application, whereby the learned District Collector Supaul affirm the order passed in Memo No.414-2 dated 25.03.2019 by the respondent no.4 the Sub-divisional Officer, Supaul where under the respondent Sub-Divisional Officer Supaul has cancelled the license no.02/2018 on the ground that his brother is on the post of Government Teacher, issued to the petitioner on compassionate ground after death of his father.*
- (ii) For the direction to restore the license*

no.02/2018 in favour of the petitioner.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer a revision against the impugned order before the Revisional Authority.

Permission granted.

Learned counsel for the respondents states that if such a revision is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the revision on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

- (a) Petitioner is permitted to prefer a revision within a period of four weeks from today.*
- (b) in the event of revision being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the revision on merits;*
- (c) Opportunity shall be granted to the parties to place on record all essential documents and materials , if so required and desired;*
- (d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;*
- (e) The Revisional Authority shall decide the revision on merits, in compliance of the principles of natural justice;*

- (f) The Revisional Authority shall pass a reasoned and speaking order; within a period of eight weeks from the date of filing of the revision;*
- (g) copy of the reasoned and speaking order passed by the Revisional Authority shall be supplied to the parties.*
- (h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;*
- (I) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;*
- (j) We have not expressed any opinion on merits and all issues are left open;*
- (k) Liberty reserved to the petitioner to challenge the order before the appropriate forum, if required and desired.*

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

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