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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

65 WRIT PETITION NO.5245 OF 2022

**M/S SHAH MEDICAL AND GENERAL STORES, THROUGH
ITS PROPRIETOR ARIF UR REHMAN SHAH
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr S. S. Patunkar and Mr S. S. Ghate, Advocates i/b J. P. Legal
Associates for petitioner;
Mr A. R. Kale, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th June, 2022

PER COURT:

1. We have considered the submissions of the learned Advocates for the petitioner and the learned A.G.P.
2. Considering the order that we are passing, we are not required to advert to the entire submissions of the learned Advocates. Suffice it to say, that the appeal preferred by the petitioner, challenging the suspension of his drug licence as a 'Pharmacist' for a period of 90 days, was tendered before the Hon'ble Minister for Food and Drugs Administration. The appeal was preferred in 2014 and a protective order was passed by the

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competent authority on 06/01/2014.

3. After a gap of almost 7 years, a notice dated 08/10/2021 is issued to the petitioner, directing him to appear before the Hon'ble Minister at 1.00 p.m. on 12/10/2021. The petitioner contends that, as he did not receive the notice prior to the hearing and actually received it on 12/10/2021, he could not remain present. By a communication dated 07/12/2021, the Under Secretary conveyed to the Commissioner of Food and Drugs Administration, that the petitioner's appeal has been partly allowed and the suspension is reduced from 90 days to 60 days. The copy of the order has not been served upon the petitioner, inasmuch as, there is nothing placed before us, by the respondents, to indicate that the copy of the order was served upon him.

4. It is obvious that, after 7 years, the notice has been issued and the petitioner residing in Taluka Sillod, Jalna Road, District Aurangabad, did not receive the notice well in time. By the interim orders of this Court, the petitioner has been protected.

5. In view of the above, this petition is partly allowed.

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6. On account of lack of opportunity of hearing and violation of the principles of natural justice, the decision of the Hon'ble Minister, dated 08/10/2021, is quashed and set aside, by issuing the following directions :-

(a) The petitioner shall appear before the Hon'ble Minister for State (Food and Drugs Administration), on 01/07/2022 at 1.00 p.m.

(b) The petitioner is at liberty to file written submissions and shall not seek an adjournment.

(c) The Hon'ble Minister would conclude the hearing on or before 08/07/2022, and thereafter, pass a reasoned order on 22/07/2022.

(d) Copy of the said order shall be served upon the petitioner.

7. Needless to state, the ad interim protection, granted by this Court, would continue till 22/07/2022.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)