

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10102 of 2021

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Amiyawar PACS Panchayat- Abhiyawar, P.S.- Nasriganj, District- Rohtas through its Secretary namely Rajan Kumar Singh, male, aged about 40 years, son of Late Vishwamitra Singh, resident of Village and Post- Abhiyawar, P.S.- Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. District Magistrate Rohtas (Sasaram), District- Rohtas.
3. The Sub- Divisional Officer Cum Licensing Authority Bikramganj, P.S.- Bikramganj, District- Rohtas at Sasaram.
4. Marketing Officer Bikramganj, District- Rohtas.
5. The District Supply Officer District- Rohtas at Sasaram.
6. The Assistant Supply Officer District- Rohtas at Sasaram.
7. The Circle Officer Bikramganj, District- Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 04-01-2023

A supplementary affidavit has been filed across the

Board.

Let it be taken on record.

Heard the learned counsel for the petitioner and the

State.



The license of the petitioner has been cancelled for which a notice was issued to him vide order dated 21.01.2016, formulating three charges against him.

The contention of the petitioner is that though he had replied to such notice but only sketchily because the inquiry report was never furnished to him. He further submits that the notice itself was faulty for the reason that it did not indicate the contemplated course of action, should the explanation offered by the petitioner was found to be unsatisfactory.

The supplementary affidavit filed by the petitioner further indicates that no third party right has been created till date.

Coalescing all these grounds, Mr. Sumit Kumar Singh, learned Advocate for the petitioner submits that it would be in the interest of justice and fitness of things that the order be set aside and the matter be remanded to the Licensing Authority for him to be afforded a copy of the inquiry report and an opportunity thereafter to explain his cause in a detailed manner and thereafter the Licensing Authority would take a call



whether the petitioner should be allowed to remain a licensee or his license be cancelled.

Considering all the circumstances and the submission advanced on behalf of the petitioner, we deem it appropriate to set aside the order of cancellation of license on the ground that the petitioner was not afforded the inquiry report and, therefore, the reply was very sketchy as also that instead of dealing with the reply of the petitioner, the Licensing Authority has only noted down the requirements and the responsibilities of a licensee, which is not adjudicatory, to say the least.

The matter is remanded for another reason *viz.* that the concerned PACS was granted the license and the petitioner operated as licensee on the ratification by the Governing Body of the PACS. When there were charges against the petitioner in his capacity as Chairman of the PACS, the Licensing Authority would be obligated to inquire whether the Chairmanship of PACS has been changed or whether the Governing Body of the PACS would be inclined to change its Chairman so that the license remains inviolate. While saying so, the Court has taken note of the Government Notification in that regard that



normally such institutional licences be not interfered with in case of any minor charge against the person handling as a licensee.

The exercise shall be completed by the Licensing Authority within a period of sixty days, to be counted from the date of receipt of the production of a copy of this order.

Needless to reiterate that the petitioner shall be afforded a copy of the inquiry report and the Licensing Authority shall also consider the feasibility of seeking a report from the concerned PACS before passing a final order giving reasons in support of the same.

The petition stands allowed and disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

