

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11093 of 2022

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Kuldip Prasad, son of Bishnu Prasad, resident of village – Meyari, Village Panchayat – Meyari, Police Station – Fatehpur, District – Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya, Dist. - Gaya.
4. The Assistant District Supply Officer, Sadar Gaya.
5. The Block Supply Officer, Fatehpur, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2023 Heard Mr. Binay Kumar, learned counsel appearing on behalf of the petitioner and Mr. Alok Ranjan, learned AC to AAG-5 for the State.

2. Petitioner is aggrieved by Annexure-3, the impugned order contained in Memo No. 899 dated 12.07.2022 by which the government fair price shop License No. 30/2016 standing in the name of the petitioner has been cancelled.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was given opportunity to file reply to the show-cause issued to him and he has made his specific reply to all the accusations made in the show-cause contained in Memo No. 652 dated 26.05.2022. However, without considering his reply to the show-cause, impugned order has been passed.



4. Learned counsel appearing on behalf of the State submitted that after due deliberation and giving proper opportunity to the petitioner, the reply of the petitioner was found unsatisfactory. Petitioner has not been able to make out a case as to whether any shortfall has been made by him or not. The show-cause notice itself was issued on the complaints filed by the beneficiaries and the impugned order is justified in the eye of law.

5. Considering the rival submissions of the parties as well as the show-cause contained in Memo No. 652 dated 26.05.2022, it appears that the accusation no. 1 with respect to the short supply of grains to the beneficiaries in terms of N.F.S.A scheme, the quantity not being mentioned therein and also in absence of any reference that which part of the said scheme has been violated by the petitioner, the notice contained in Memo No. 652 dated 26.05.2022 appears to be misconceived and accordingly, it stands quashed. The impugned order contained in Memo No. 899 dated 12.07.2022 (Annexure-3) loses its force.

6. The writ application stands disposed of.

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(Purnendu Singh, J)

