

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13385 of 2022

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Birendra Prasad Son of Bhagwan Prasad Resident of Village-Darihat, Police Station-Dehri-on-Sone, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department, Bihar, Patna.
2. The Agriculture Director, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Joint Director (Agronomy) Patna Division, Patna.
5. The District Agriculture Officer, Rohtas.
6. The Sub-Divisional Officer, Dehri, District-Rohtas.
7. The Block Agriculture Officer, Dehri, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Prabhat Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 20-03-2023

Heard learned counsel for the parties.

The petitioner, by way of this writ petition, challenged the order dated 20.05.2022, passed by respondent no.5, namely District Agriculture Officer, Rohtas, Sasaram in Office Order No. 143 of 2022, whereby the order dated 20th of February, 2021, cancelling his licence, has been affirmed.

Learned counsel for the petitioner submits that he should not be made to go for the alternative remedy as he has



earlier approached this Court and the this Court remanded the matter back to concerned authority.

In the opinion of this Court, remanding the matter back to the same authority is wholly on a different point. Once the matter has been remanded and the concerned authority reaches to the same conclusion as earlier, the only remedy available to the petitioner is to challenge it in appeal. The forum of appeal having much larger scope to look into the entire questions of facts, ought not to be by-passed. The provisions being available under the Bihar Targeted Public Distribution System (Control) Order, 2016 has to be first mandatorily availed of.

Granting liberty to the petitioner to file an appeal before the concerned authority, the present writ petition is dismissed. It is observed that the appeal shall be decided on merits without delving into the question of limitation within the stipulated period provided in the Bihar Targeted Public Distribution System (Control) Order, 2016.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 4

AFR/NAFR	
CAV DATE	
Uploading Date	21.03.2023
Transmission Date	

