

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19077 of 2019

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Suraj Kumar Paswan, S/o Arjun Paswan, Resident of Village- Depoti Purandaha, Ward No. 01, Momaliya, Purandaha, M. Purandaha, District- Purnea, Bihar- 854202.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate-cum-2n Appellate Tribunal, Purnea.
3. The Addl. Collector (Public Grievance Redressal), District- Purnia.
4. The Sub Divisional Public Grievance Redressal Officer, Dhamdaha, P.O.- Mugalia, Purandaha, West, P.S.- Dhamdaha, District- Purnea.
5. The Sub Divisional Officer-cum-Licensing Authority, Dhamdaha, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking the following
reliefs:-

“(i) For setting aside the order contained in memo no. 153 dated 28.05.2019 (Annexure-7) passed by the learned Sub Divisional Officer-cum-licensing Authority, Dhamdaha by which he was pleased to cancel the license of the petitioner in terms of order dated 17.05.2019 passed by the learned District Magistrate-cum-2nd Appellate Tribunal, Purnea.

(ii) For setting aside the order issued vide No. 40911-10657 dated 17.05.2019 (Annexure-6) passed



by the District Magistrate-cum-2nd Appellate Tribunal, Purnaa by which the Learned Collector-cum-2nd Appellate Tribunal concluded on the complaint of one Dashrath Das the Petitioner was not 18 years on the date of advertisement i.e. 01.04.2017 for grant of PDS license and on that day the age of the Petitioner was 17 years 11 months 23 days and accordingly District Supply Officer, Purnea was directed to show cause the Sub-Divisional Officer, Dhamdaha and further a step may be taken for cancellation of license of the petitioner.

(iii) For quashing the order dated 20.02.1999 (Annexure-5) passed by the Addl. Collector-cum-Ist Appellate Tribunal, Purnea by which the complainant was directed to take step in terms of Provisions of the Targeted PDS Control Order, 2016.

(iv) For quashing the order dated 09.01.2019 (Annexure 4) passed by the Learned Sub Divisional Public Grievance Officer, Dhamdaha, Purnea by which the complainant was directed to file appeal in terms of provisions of Targeted PDS Control Order, 2016.

(v) Further be pleased to restore the PDS license of the petitioner because on the date of grant of license the PDS was major.”

Learned counsel for the petitioner submits that the license of the PDS dealership of the petitioner has been cancelled on the ground that he had not attained 18 years of age as on 01.04.2017. Learned counsel submits that the petitioner



was 17 years 11 months and 23 days only as on 01.04.2017, his application was considered and on finding him fit for selection he was given the dealership of the public distribution shop. He had run the shop for about eight months when on a complaint made by a rival claimant the license of the petitioner has been cancelled.

Learned counsel submits that the competent authority cancelled the license of the petitioner without giving any opportunity of hearing to him. No show cause was issued prior to the issuance of the cancellation order.

Learned counsel further submits that the appeal preferred by the petitioner against the cancellation order has also been dismissed without appreciating that the petitioner was only 7 days short of his 18 years and he was allowed to participate in the selection process whereafter he was selected and had already run the shop successfully for eight months.

Mr. Anisul Hauque, learned AC to AAG-5 for the State has opposed this writ application but it is admitted at the bar that prior to cancellation of the license of the petitioner, no show cause notice was issued to him.

Having regard to the admitted position that the license of the petitioner was cancelled without giving any opportunity



of hearing, this Court sets aside the impugned orders. The competent authority may, if so advised, pass a fresh order after giving an opportunity of hearing to the petitioner.

This Court would only indicate at this stage that it was the respondent authorities who had processed the application of the petitioner and the petitioner was allowed to participate in the selection process, therefore, the competent authority, if willing to cancel the license, would consider the desirability of cancellation of license at this stage when the petitioner has already run the shop successfully for eight months.

This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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