

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.831 of 2019

In
Civil Writ Jurisdiction Case No.22154 of 2018

=====

Naresh Ravidas Son of Late Balgovind Ravidas Resident of Village- Nerut,
P.S.- Ashthawan, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department, Bihar, Patna.
2. The Commissioner Patna Division, Patna.
3. The District Collector Nalanda at Bihar Sharif.
4. The Sub Divisional Officer Bihar Sharif, Nalanda.
5. The Block Supply Officer Asthawan, Nalanda.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Sanjay Prasad, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 18-09-2024 The appellant's only contention, in challenge of the dismissal of the writ petition, is that in the criminal case lodged against the appellant on the very same allegations, he has been acquitted.

2. The learned Single Judge has found that the Sub-Divisional Officer, Bihar Sharif cancelled the license of the appellant on several grounds against which an appeal was filed delayed. It was on delay that the appeal was dismissed.



3. The learned Single Judge refused to exercise the discretion under Article 226 of the Constitution of India to interfere with the order in appeal, which was for the delay occasioned. The learned Single Judge also directed that if vacancy arises, the Selection Committee shall not non-suit the appellant on the ground that his PDS license was earlier cancelled.

4. It is trite that parallel proceedings initiated by way of criminal proceedings and departmental action rest on different considerations. While in a criminal trial, the case has to be proved beyond reasonable doubt in the departmental action preponderance of probabilities reign supreme. The acquittal in a criminal trial may not assist the accused/delinquent in avoiding the civil consequences of a departmental action, which in the present case has resulted in the cancellation of the petitioner's PDS license.

5. The cancellation was also on account of shortage of rice supplied to the PDS shop under the Antodaya & BPL Schemes and its diversion to the black market; found on inspection. In the criminal trial, the seizure witnesses turned hostile and hence the acquittal. This has no bearing on the cancellation of license effected. The appeal filed was also



delayed. We find no reason to interfere; in appeal.

6. The appeal stands rejected.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-

U			
---	--	--	--

