

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13864 of 2022

=====

Gango Kumari @ Gango Devi, Wife of Janardan Kumar Subai, Resident of
Village and Post- Nawadih, Police Station- Indrapuri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Rohtas at Sasaram.
2. The Collector, Rohtas at Sasaram.
3. The District Supply Officer, Rohtas at Sasaram.
4. The Sub Divisional Officer, Dehri, Rohtas.
5. The Block Supply Officer, Dehri, Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

9 10-09-2024 Heard learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

“(i) For setting aside the decision held vide dated 20.05.2022 contained in Memo No. 404 dated 23.05.2022 passed by the District Level Selection Committee, Rohtas at Sasaram whereby the licence under public Distribution System bearing Licence No. 16 of 2020, Panchayt Bhaladi, Block-Dehri has been cancelled, order contained in Letter No. 130 dated 31.07.2021 given by Block supply Officer whereby the Block Supply officer, recommended to Sub Divisional Officer, Dehri, Rothas for cancellation of the licence.

(ii) For further direction/directions commanding/ commanding the re-start the licence bearing No. 16/2020 under Public



Distribution system in favour of the petitioner.

(iii) For grant of any relief or reliefs for which the petitioner is entitled on the facts as well as law both.”

3. Learned counsel appearing on behalf of the petitioner has stated that pursuant to the advertisement issued by the authorities for appointment of PDS dealer, the petitioner has applied and being the successful candidate has issued licence on 13.08.2020. Thereafter, all of a sudden, the District Level Selection Committee has passed the impugned order dated 23.05.2022 (Annexure 7) cancelling the licence of the petitioner. Learned counsel has stated that the said order was passed by the District Level Selection Committee without issuing any show cause notice to the petitioner nor any explanation was called. Learned counsel has stated that the said action taken by the District Level Selection Committee is without jurisdiction and against the principle of natural justice and equity. Learned counsel appearing on behalf of the petitioner has therefore prayed this Hon'ble Court to set aside the impugned order. Further it is stated that the District Level Selection Committee on the basis of the letter dated 31.07.2021 written by the Block Supply Officer has passed the impugned order but as a matter of fact, the said letter was addressed to the Sub-Divisional Officer but in spite of the same, the District Level Selection Committee



has passed the impugned order.

4. In the counter affidavit filed by the respondents, the authorities though have taken stand that based on the recommendations made by the Block Supply Officer, the impugned order has been passed. There is nothing on record to show that under what provisions the District Level Selection Committee has cancelled the licence issued in favour of the petitioner. Under the provision of Public Distribution System (Control) Order, 2016, once a PDS licence has been issued to any person, the only remedy available for the authorities in case of any allegations of violation of the provisions of the Control order are alleged, are to put the dealer on notice, call for his explanation and then the Sub-Divisional Officer can pass the order of cancellation. Thereafter an appeal and revision are provided under the Act.

5. Under the Control Order, 2016, the District Level Selection Committee has power to prepare the merit list and select the candidates on the basis of qualification, computer knowledge etc. The District Level Selection Committee does not have the power to cancel the licence once it is issued. Further as seen from the record, the District Level Selection Committee before passing the impugned order of cancellation has not put



the petitioner on notice and the same is violation of the principles of natural justice and equity.

6. This Court vide order 20.08.2024 has directed the respondents to verify as to whether any PDS license has been issued to any person pursuant to the advertisement calling for fresh application. The learned counsel appearing on behalf of the respondents on instructions has stated that no further steps are taken to appoint any one and the same is vacant.

7. Having regard to the above mention facts and reasons, the impugned order dated 23.05.2022 passed by the District Level Selection Committee is hereby set aside and the PDS licence of the petitioner restored. The authorities are directed to resume the supply/commodities to the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order so as to enable him to distribute the same to the beneficiaries attached to his shop.

8. It is made clear that in case authorities wants to proceed further in the matter on the basis of the letter dated 31.07.2021 issued by the Block Supply Officer, they are at liberty to do so strictly in accordance with the provisions of Public Distribution System (Control) Order, 2016 by putting the



petitioner on show cause notice and calling for his explanation
and then pass a reasoned order.

9. With the above direction, the present writ petition
stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

