

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2624 of 2024

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Ram Shevak Sahni Son of Late Singeshwar Sahni Resident of village-
Sarwanichak Panchayat Raj- Karnpur South, Block Bochah, P.S.- Bohaha
District- Muzafarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department of Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Muzaffarpur.
4. The Sub- Divisional Officer (East), Muzaffarpur.
5. The Block Supply Officer, Bochaha, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Adv.
For the Respondent/s : Mr. Government Pleader (18)

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

4 26-07-2024 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

*“That this writ petition is being filed
on behalf of the petitioner for issuance of
appropriate writ/writs, order/orders,
direction/directions for quashing the order
contained in memo No. 214 dated 20.01.2020
passed by the learned Sub- Divisional Officer-
cum- Licensing Authority by which the P.D.S.
license of the petitioner being license No. 23-07-
18-07/2016 has been cancelled and further for
quashing the appellate order dated 30-08.2022
passed in supply appeal case no. 07/2020-2021*



by the learned Collector- cum-District magistrate, Muzaaffarpur and also further quashing the learned Divisional Commissioner order dated 05-10-2023 passed in P.D.S. Revision Case No. 337 of 2022 by learned Divisional Commissioner Tirhut Division Muzaaffarpur by which he has dismissed the P.D.S. revision affirmed the order of the learned collector – cum- District Magistrate and further be pleased to restore the license and supply of the petitioner.”

3. Learned counsel for the petitioner has stated that the petitioner has been served a show cause notice dated 04.09.2019 alleging that petitioner was engaged as a Home Guard during the relevant period when he was allotted the P.D.S. license. Thereafter, the authority has issued another show cause notice dated 03.01.2020 based on the inquiry report dated 21.11.2019 alleging that the shop of the petitioner was found to be closed on the day of inspection. Learned counsel has stated that the authority concerned has passed the order based on the first show cause notice and there is no whisper with regard to the allegations made in the second show cause notice dated 03.01.2020. Learned counsel has stated that the petitioner was only selected as a Home Guard but never worked as a Home Guard and did not receive any honorarium as a Home Guard. That the authority without conducting any proper inquiry has



cancelled the license of the petitioner vide a cryptic order. It is further stated that though the petitioner could not submit his explanation, the authority was bound to pass a reasoned order on merits but the impugned order of cancellation has been passed in a mechanical manner. That the petitioner has raised the above grounds before the appellate as well as in the revisional authority but the authority have not applied their mind and passed the order in a cryptic and mechanical manner. Learned counsel has, therefore, prayed to set aside the order impugned and remand the matter back to the Sub Divisional Officer concerned for passing orders afresh duly giving an opportunity to the petitioner to file his explanation to the show cause notice issued by the authority.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the authorities concerned duly taking into consideration the enquiry report as well as the evidence against the petitioner have passed the impugned order and same does not require any interference. Further, it is stated that the petitioner has not bothered to file his any explanation to the show cause notice inspite of granting sufficient time, therefore,



the authority was constrained to pass the orders.

5. Admittedly in the present case, the question as to whether the petitioner was working as a Home Guard or not at the relevant point of time when he was allotted the P.D.S. dealership has not been adverted to by the authority concerned. A reading of the order does not reveal that there was any evidence to the effect that the petitioner was employed as a Home Guard or whether he has received any honorarium while working as a Home Guard. Merely because the petitioner was selected as a home guard, it cannot be construed that the petitioner was working as a Home Guard. This aspect of the matter has not been looked into by the authority. Therefore, this Court is of the opinion that the ends of justice could be met if the impugned orders are set aside and the matter is remanded back to the Sub Divisional Officer concerned for passing orders afresh. The Sub Divisional Officer shall issue notice to the petitioner calling for his explanation and the petitioner shall file his explanation to the show cause notice within the stipulated time. The authority concerned shall pass a reasoned order duly giving an opportunity of hearing to the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of 12 weeks from the date of the



receipt of the copy of this order. Any order passed shall be communicated to the party.

6. With the above directions, the present writ petition is disposed of.

(A. Abhishek Reddy , J)

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