

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10251 of 2018

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Hirendra Prasad Gupta Son of Sri Raghunath Prasad Gupta, Resident of
Village- Panchayat Kharka- Telwa, P.S.- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Deputy Development Commissioner, Saharsa.
5. The Sub-Divisional Officer, Saharsa Sadar, Saharsa.
6. The District Supply Officer, Saharsa.
7. The Block Development Officer, Nauhatta, District- Saharsa.
8. The Block Supply Officer, Nauhatta, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 02-07-2025

1. The Writ petition is filed to set aside the
order dated 02.11.2017 passed in Case No.
Saharsa/03/01/CWJC/17 by the Hon'ble Justice Uday
Sinha Judicial Inquiry Commission, Patna whereby
and whereunder the case of the petitioner has been
rejected without making proper inquiry and taking



evidence of the petitioner and concerned respondent authorities and also without following the direction/guidelines of the order dated 21.09.2015 passed in C.W.J.C. No. 5638 of 2011 passed by this Court.

2. The case of the petitioner is that the petitioner was a PDS Dealer and was entrusted with food-grains for distribution under food for work and other related programs. Vide Memo No. 1104-2 dated 23.06.2011, the Respondent-D.D.C. directed to audit the stock of the dealers. Vide Order dated 02.08.2011 coercive steps were issued against the PDS dealers including the petitioner. The petitioner along with other dealers approached this Hon'ble Court by way of filing a Writ petition vide C.W.J.C. No. 14379 of 2011 wherein this Court directed the petitioner to deposit 20% of the value of undistributed rice at Rs. 10/- per KG or the rice itself



in the present forum within ten weeks. Further the petitioner received a show cause notice on 30.11.2011 for which, he submitted a detailed reply on 16.12.2011.

3. The respondent-SDO in Supply Record Case No. 12 of 2011 directed the petitioner and others to deposit the value of unutilized rice at the rate of Rs.1370/- per quintal for which several petitions were filed by the dealers including the petitioner in C.W.J.C. No. 5779 of 2012.

4. This Court was pleased to dispose of all the Writ petitions including that of the petitioner by referring the matter to a three member Enquiry Commission headed by the Hon'ble Mr. Justice Uday Sinha constituting the Judicial Enquiry Commission.

5. The petitioner also received notice in Case No. Saharsa/03/01/CWJC/17 pursuant to which he appeared before the Commission and filed a



detailed reply. The petitioner was directed to deposit 50% of the demand amount, which was deposited by him. However, the Commission rejected the claim of the petitioner on 02.11.2017 for which the present Writ petition is preferred by him.

6. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

7. The Division Bench of this court has passed a detailed order in ***Bhawesh Kumar Bhaskar Vs. The State of Bihar (C.W.J.C. No. 10446 of 2020)*** dated 08.03.2022. The operative portion of the order of the aforesaid case passed by the Division Bench reads as follows:-

“This Hon’ble Court had constituted the Hon’ble Justice Uday Sinha inquiry commission to adjudicate dispute between the PDS dealer and State authorities with



respect to left over quantity of rice under Sampurna Gramin Rojgar Yojna (SGRY) scheme with PDS dealer.

It is contended that rice was given to PDS dealer but the scheme was discontinued and huge quantity of rice remained in possession of the PDS dealer and State Government directed to either return the rice or refund the amount.

As there was dispute between the parties, this Court constituted an inquiry commission headed by retired Judge (Mr. Justice Uday Sinha) where both the parties including the petitioner appeared and the liability of the petitioner was determined as Rs.19,85,332/- in 2018 itself by said commission which is to be refunded by the petitioner and due to non-refund, certificate proceeding has been initiated for realization of said amount.



In such view of the matter, this Court does not find any merit in this case and is accordingly dismissed.”

8. As per the orders of this Court in C.W.J.C. No. 10446 of 2020 (supra) the disputes have been resolved by the Commission. This case is squarely covered by the decision of the Hon’ble Division Bench of this Court.

9. In view of above, this Court do not find any merit in the case, and accordingly, the Writ petition is dismissed.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.07.2025
Transmission Date	N/A

