

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5896 of 2025

Pradip Kumar Shrivastav @ Pradip Shrivastav S/o Late Yogendra Shrivastav,
R/o- Bhargama, P.O. and P.S.- Bhargoan, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and civil supply Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply, Government of Bihar, Patna.
3. The District Magistrate, District- Araria.
4. The District Supply Officer, District- Araria.
5. The Sub-divisional Officer, Farbisganj, District- Araria.
6. The Block Supply Officer, Farbisganj, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan, Adv.
For the Respondent/s	:	Mr. Standing Counsel (23)
For the State	:	Ms. Vijaya Laxmi Srivastava, Adv.

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

2 24-04-2025 Heard the learned counsel for the parties.

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

I. For quashing the order dated 24.08.2023 as contained in memo no. 388 dated 30.08.2023 issued and passed by the sub divisional Officer Fabisganj, whereby and where under the learned Sub divisional Officer Farbisganj, has cancelled the Fair Price shop of the petitioner under Public Distribution system bearing License no. 24BH/2016, without considering the show-cause reply filed on behalf and without even adverting to any of the



contention raised by the petitioner and without even taking cognizance of the fact that show-cause reply was filed on behalf of the petitioner and the same was already received in the office of SDO Sadar Gaya on 16.03.2022 and inspite of that the PDS license of the petitioner has been cancelled by a cryptic, unreasoned, unexplained order.

II. For holding that the order passed by the licensing authority is arbitrary, illegal, cryptic, perverse, in the eyes of law and is fit to be set aside by this Hon'ble Court.

III. For quashing the initial showcause notice issued to the petitioner vide memo no. 199 dated 05.06.2023 whereby and where under, along with show cause notice no any copy of inquiry report was annexed which precluded the petitioner from submitting his wholesome reply and the same is not only in teeth of statutory provisions of the act/ rule and also in violation of the principals of natural justice as settled through various judicial pronouncements made from time to time Hon'ble High Court and also Hon'ble Apex Court.

IV. Further for direction to the respondents to restore the license and supply to the Fair Price shop of the petitioner under Public Distribution system bearing License no. 24BH/2016.

3. Learned counsel appearing on behalf of the



petitioner has stated that as against the show cause notice issued to the petitioner, the petitioner has submitted his explanation/show cause but the Sub Divisional Officer without going through the same has cancelled the license of the petitioner holding that the explanation submitted by the petitioner is not satisfactory. Except stating that the explanation submitted by the petitioner is not satisfactory, no other reason has been given by the authority for cancelling the license of the petitioner. Learned counsel has relied on the judgment of the Hon'ble Division Bench of this Hon'ble Court in LPA No. 85 of 2021 dated 06.03.2025 wherein under similar circumstances this Hon'ble Court had allowed the writ petition and remanded the matter back to the authority concerned for passing orders afresh. Learned counsel has, therefore, prayed this Hon'ble Court to pass similar orders and set aside the impugned order.

4. Per contra, the learned counsel appearing on behalf of the respondents State has vehemently opposed the present writ petition and has stated that the petitioner has an alternative and effective remedy of filing an appeal before the District Magistrate concerned. Learned counsel has stated that the order passed by the Sub Divisional Officer is a well reasoned order which does not require any interference by this



Hon'ble Court and the petitioner without availing the alternative and efficacious remedy of appeal has straightaway approached this Hon'ble Court under Article 226 of the Constitution of India. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. A perusal of the impugned order dated 24.08.2023 as contained in memo no. 388 dated 30.08.2023 passed by the Sub Divisional Officer reveals that the authority except stating that the explanation submitted by the petitioner is not satisfactory has not given any other reason. The Division Bench of this Hon'ble Court in LPA No. 85 of 2021 dated 06.03.2025 under similar circumstances held as under:

“5. No doubt appellant has statutory remedy of appeal before the appellate authority, however, appellant is not in a position to prefer effective appeal for the reasons that in the impugned order, prior to issuance of cancellation of licence, notice was issued and appellant is stated to have submitted explanation. There is no consideration of appellant's explanation in the manner known to the law. The Hon'ble Supreme Court in the case of Kranti Associates Private Ltd. and Another vs. Masood Ahmed Khan and Others reported in (2010) 9 SCC 496, Para - 47 held as under:

“47. Summarising the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if



such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both



judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or “rubber-stamp reasons” is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decisionmaking, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process.”



6. Having regard to the same, the impugned order dated 24.08.2023 is set aside and the matter remanded back to the Sub Divisional Officer for passing orders afresh. The authority shall pass a reasoned order giving the reasons either for rejecting or accepting the explanation submitted by the petitioner. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

7. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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