

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8140 of 2025

=====

Umesh Yadav Son of Ramfal Yadav Resident of Village- Nagel, P.S. Belhar,
District- Banka, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Managing Director, Bihar State Food Corporation, Patna.
3. The Head I.T. Cell, Food and Consumer Protection Department, Old Secretariat, Patna.
4. The District Magistrate, District-Banka.
5. The District Supply Officer, District-Banka.
6. The District Manager, Bihar State Food Corporation, Banka.
7. The Additional District Manager, Bihar State Food Corporation, District-Banka.
8. The Sub- Divisional Officer, Banka, District-Banka.
9. The Assistant District Supply Officer, Banka, District- Banka.
10. The Block Supply Officer, Belhar, District-Banka.
11. The Assistant Godown Manager, Belhar, District- Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Kumar Gaurav
For the Respondent/s : Mr.Government Pleader (07)

=====

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

2 11-09-2025 Heard the learned counsel for the parties.

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

*“(i) A certiorari for quashing
and setting aside the show cause notice
issued by the Sub Divisional Officer, Banka
vide Memo No.197 dated 21.02.2025
contained therein Annexure -1 whereby and
where under it is being deliberately directed
and compelling the petitioner that further
not to raise any a grievances regarding the*



discrepancies and irregularity under which the wrongly & excess qty. of food grains i.e about 20 qtl of wheat & about 83 qtl. of rice has falsely been entered & uploaded on to the petitioner's E-Pos Machine No. 122500100610 which is still showing in the aforesaid machine, if this was not done further so as a consequences legal course of proceeding will be initiated against the petitioner resulted into may the cancellation of the license of P.D.S. Shop will be even cancelled, whereas above mentioned quantity of said food grains has neither been supplied to the petitioner nor received by him in question.

(ii) A Mandamus Commanding the Competent Authority to eliminate & blot out the wrongly and excess quantity of food grains i.e about 20 qtl of wheat & about 83 qtl. of Rice has falsely been entered & uploaded on to the petitioner's E-Pos Machine No. 122500100610 which is still showing in the aforesaid machine is showing but said food grains in question has neither been supplied to the petitioner nor the petitioner has never received the same

(iii) A mandamus commanding further may kindly be directed to the competent authority to update the petitioners EPOS Machine as per the stock received by the petitioner and distribute the same amongst the beneficiaries & also continue the monthly allotment as per the consumer tagged with the petitioners' shop as before.

(iv) Any other relief or reliefs for which the petitioner may be found entitled in the fact and circumstances of the present case may be granted to him."

3. Learned counsel for the petitioner submits that he was appointed as a PDS dealer and has been functioning without any complaint from any consumer. Learned counsel submits that



the E-POS Machine issued to the petitioner had some discrepancies due to which the quantity of the food grains is wrongly being shown in excess. Learned counsel submits that approximately 20 quintals of wheat and 83 quintals of rice has been falsely entered and uploaded in the petitioner's E-POS Machine. Though the petitioner has given a number of representations to the authority concerned, the authorities till date have not taken any decision on the same. Learned counsel submits that the authorities have issued the Show Cause Notice dated 21.02.2025 (Annexure-P/1). Learned counsel submits that the issuance of the Show Cause Notice without making any enquiry on the application/ representation made by the petitioner for correction of the E-POS Machine is bad in law. Further, it is stated that the authority in their Show Cause Notice dated 21.02.2025 are compelling the petitioner not to raise any further grievance with regard to the discrepancies in the E-POS Machine which were wrongly and excessively shown and in case he persists, they will take necessary action for cancellation of the PDS license of the petitioner.

4. A perusal of the Show Cause Notice dated 21.02.2025 does not reveal that any such threat has been made against the petitioner. The Show Cause Notice is simple show



cause notice which is based on the inspection done by the Block Supply Officer on (Annexure-P/1) whereas the petitioner has been asked to submit his explanation. This Court is not inclined to entertain the present writ petition. In case the petitioner is so advised, he is free to file an explanation against the said show cause notice and in case any final orders are already passed by the authority, his remedy is to file an appeal against the said order before the District Magistrate under the provisions of the (Control) Order, 2016.

5. Accordingly, the present writ petition is dismissed.

(A. Abhishek Reddy, J)

Ayush/-

U			
---	--	--	--

