

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16118 of 2019

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Gaibi Yadav Son of Mithu Yadav Resident of Village- Sahia, P.S.- Jhajha,
District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Jamui, District- Jamui.
3. The Sub- Divisional Officer, Jamui, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-10-2025

1. The Writ petition is filed to set aside the order dated 19.06.2019, passed by the Sub-Divisional Officer, Jamui vide Memo No. 530, whereby the licence of the petitioner was cancelled with immediate effect.

2. Further relief sought is to direct the respondents to restore the licence and to make an allotment of the shop.

3. The brief facts, as culled out from the Writ petition, are that the petitioner was a PDS Dealer since 1981, holding valid Licence No. 36 of 2016. The licensing authority issued a Show-Cause vide Memo No. 176 dated 09.02.2019, asking about the circumstances in which he was running the PDS



Shop, while working as a postman. Further, the petitioner was directed to submit his show cause within a week, explaining why his licence should not be cancelled.

4. In response to the show cause notice, the petitioner submitted a detailed reply, bringing all relevant facts on record. In spite of this, the licencing authority cancelled his licence on the directions of the District Magistrate without applying judicial mind. Being aggrieved by the same, the present Writ petition has been filed.

5. It is the specific contention of the Learned counsel for the petitioner that he could not prefer any appeal before the District Magistrate, as the licence was cancelled at the instance of the District Magistrate, who was holding the post of Chairman of the District Selection Committee.

6. On the other hand, the Learned counsel for the respondents contended that if the license was cancelled, at the instance of the District Magistrate, being part of the Selection Committee, an effective alternative remedy is available for the petitioner to



prefer a complaint before the Divisional Commissioner.

7. Taking into consideration that the petitioner has an effective alternative remedy, this Court directs the petitioner to prefer complaint before the Divisional Commissioner within two months from the date of receipt of this order. The petitioner shall raise all his grievances in the complaint regarding the cancellation of his licence. In turn, the Divisional Commissioner shall consider the case on its merits and shall pass appropriate orders within three months from the date of filing of the complaint. It is needless to say that before passing any order, the petitioner shall be given a fair opportunity of hearing.

8. With the aforesaid observations, the Writ petitions is disposed of.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	

