

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12627 of 2024**

Manju Kumari, W/o Rampravesh Yadav, R/o Village/ Mohalla- Bageya, P.S.-  
Imamganj, District- Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya, Bihar.
4. The District Magistrate, Gaya, Bihar.
5. The Sub- Divisional Officer, Sherghati, Gaya, Bihar.
6. The District Supply Officer, Gaya, Bihar.
7. The Block Supply Officer, Imamganj, Gaya, Bihar.
8. The Block Supply Inspector, Mohanpur, Gaya, Bihar.
9. The Block Supply Inspector, Sherghati, Gaya, Bihar.

... .. Respondent/s

**Appearance :**

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|----------------------|---|----------------------------|
| For the Petitioner/s | : | Mr.Diwakar, Adv.           |
| For the Respondent/s | : | Mr.Government Advocate (2) |
|                      |   | Mr. JC to GA 2             |

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

3      30-04-2025                      Heard learned counsel for the parties.

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

*“(i) For issuance of order(s) / direction(s) or writ(s) in the nature of Certiorari for quashing/ setting aside the order dated 20.06.2024 (IMPUIGNED ORDER) passed in Supply Revision Appeal Case No. 25 of 2024 whereby and where under Respondent No. 3 without considering the case of the Petitioner in its true sense and without perusing*



*the documents properly, declared her statements and reply to 2nd show-cause served to her as 'after though(t', in the most arbitrary way and dismissed her case without considering it on proper merits. And/or*

*(ii) For further issuance of order(s) / direction(s) or writ(s) in the nature of Certiorari for setting aside the order dated 16.01.2024 passed in Supply Appeal No. 16 of 2023 by the Respondent No. 4 and order containing Memo No. 267 dated 27.04.2023 passed by Respondent No. 5, whereby and where under vide Memo No. 267 dated 27.04.2023 the Respondent No.5 cancelled the license/ permit of the Petitioner bearing license/permit no. 03/ 2021 which was issued to the Petitioner for her shop of fair price under Public Distribution System (PDS) and against it when the Petitioner approached to Respondent No.4 in Supply Appeal No. 16/ 2023, her case/ memo of appeal was dismissed by Respondent No. 4 vide order dated 16.01.2024. And/or*

*(iii) For further issuance of order(s) / direction(s) or writ(s) in the nature of Mandamus, directing the Respondent Authorities to reinstate the permit/license of the Petitioner bearing license/ permit no. 03/2021 which was issued to the Petitioner for her shop of fair price under Public Distribution System (PDS). And/or*

*(iv) For issuance of any further order (s) / direction (s) or writ(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case."*



3. It is the case of the petitioner that she has been granted PDS license vide License No. 03 of 2021 in the month of September, 2021. That there was no complaint from beneficiaries with regard to the distribution of the grains at any point of time. However the petitioner has received the show cause notice on 07.09.2022 issued by the Respondent No. 5 alleging discrepancies/ irregularities in the functioning of the PDS shop run by the petitioner. Though the petitioner has given a suitable explanation to the show cause notice on 19.09.2022, however the authorities without considering the same has passed the order of cancellation. That aggrieved by the cancellation order dated 27.04.2023, the petitioner has preferred an appeal before the appellate authority but the appellate authority dismissed the appeal vide order dated 16.01.2024. Thereafter the petitioner has preferred a statutory revision before the Divisional Commissioner (Respondent No. 3) herein. That the Divisional Commissioner has passed the impugned order dated 20.06.2024 dismissing the revision filed by the petitioner in a mechanical manner. Learned counsel appearing on behalf of the petitioner has stated that the Divisional Commissioner without advertng to the statements made by the beneficiaries in the form of affidavits has simply confirmed the order passed by the



appellate authority and the primary authority. Learned counsel has stated that there is no independent application of mind by the Divisional Commissioner and no reasons have been given. That the impugned order is liable to be set aside and remanded back to the authority concerned for passing orders afresh.

4. Per contra, the learned counsel appearing on behalf of the respondents-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the nature of allegations against the petitioner were very serious and the petitioner has been found to be short changing the beneficiaries by giving less quantity of rice and taking more money. Learned counsel has stated that the authority duly taking into consideration the discrepancies/irregularities found in the running of the PDS shop of the petitioner has passed the impugned order of cancellation. That both the order of the appellate and revisional authority are well reasoned order and the same could not warrant any interference by this Hon'ble Court.

5. A perusal of the impugned order passed by the Divisional Commissioner reveals that the Divisional Commissioner while passing the said order has not taken into



consideration the statements made by the beneficiaries in the form of affidavits which were filed along with the reply to the show cause filed by the petitioner. The Divisional Commissioner has in his order has simply stated that the order of the appellate authority as well as the Sub-Divisional Officer does not require any interference. This Court as well as Hon'ble Supreme Court in a catena of Judgments time and again have held that the authorities while passing the orders should give the reasons either for rejection of the case or for allowing the same. However, in this particular case except stating that the orders passed by the appellate authority as well as primary authority not require any interference, nothing has been said. This is no independent application of mind by the authority while passing the impugned order. Both the appellate and the primary authority have not adverted to the statements made by the beneficiaries which were filed in the form of affidavits.

6. Having regard to the above, the impugned order dated 20.06.2024 passed by the Divisional Commissioner, order dated 16.01.2024 passed by the appellate authority and the order dated 27.04.2023 passed by the Sub-Divisional Officer are set aside and the matter is remanded back to the Sub-Divisional Officer, Sherghati, Gaya, (Respondent No. 5) for passing a



reasoned order afresh duly taking into consideration the statement of beneficiaries in the form of affidavit and any other documents that the petitioner wishes to rely. The entire exercise shall be completed as expeditiously as possibly preferably within a period of twelve weeks from the date of receipt of the copy of this order.

7. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner.

8. With the above directions, the present writ petition stands disposed of.

**(A. Abhishek Reddy , J)**

Bhardwaj/-

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