

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16778 of 2025

=====

Md. Tahir S/o Md. Abbas Bhatoura, R/o-Village Singhiya Purvi, Block-Bisfi,
P.O. and P.S. and District-Madhubani.

... .. 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, Madhubani.
4. The District Supply Officer, District-Madhubani.
5. The Sub-Divisional Officer, Benipati, District-Madhubani.
6. The Block Supply Officer-Bisfi, District-Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate.

For the Respondent/s : Mr. Standing Counsel (04)

=====

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

2 16-10-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) For quashing the order dated 13.09.2025 as contained in Memo No. 630 dated 13.09.2025 issued and passed by the Sub-Divisional Officer, Benipati, Madhubani whereby and whereunder the learned Sub-Divisional Officer, Benipati, Madhubani has cancelled the Fair Price Shop of the petitioner under Public Distribution System bearing License No. 57/2016 without considering the show-cause reply of the petitioner, in haste, by a cryptic,



unseasoned, unexplained order which is not in consonance with statutory provisions of the act and the same is not sustainable in the eye of law and the same is fit to be quashed.

(ii) 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. 57/2016.

(iii) For quashing the show cause notice issued to the petitioner vide Memo No. 381 dated 02.09.2025 wehreby and whereunder only three days time was granted to file reply to the petitioner.”

3. Learned counsel appearing on behalf of the petitioner submits that he has been granted PDS shop license in the year, 2016 and has been operating the shop without any complaint for any of the beneficiaries. Learned counsel submits that the Block Supply Officer has inspected the shop of the petitioner on 02.09.2025 and, thereafter, based on the said report, the Sub-Divisional Officer has issued a show-cause notice to the petitioner on the very same day vide Memo No. 381 dated 02.09.2025 (Annexure P/2). Learned counsel submits that the petitioner has filed a suitable reply/explanation to the said show-cause notice on 13.09.2025. Learned counsel submits that the authority without adverting to the explanation filed by the petitioner has passed the impugned order in a mechanical



and cryptic manner. Learned counsel, therefore, prays this Court to set aside the impugned order and remand the matter back to the authority concerned for passing the orders afresh duly taking into consideration the explanation filed by the petitioner on 13.09.2025.

4. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner is having an efficacious and alternate remedy of filing a statutory appeal under the 32 (iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 but the petitioner without availing the same has straightaway approached this Court. Learned counsel has therefore, prayed this Court to dismiss the present writ petition and relegate the petitioner to the appellate authority.

5. The impugned order dated 13.09.2025 passed by the Sub-Divisional Officer, Benipati, Madhubani (Annexure P/4) reveals that the authority did not take into consideration the explanation filed by the petitioner and passed the impugned order without adverting to the same. This Hon'ble Court in the CWJC No. 5093 of 2025 dated 01.05.2025 relying on the judgment of the Hon'ble Division Bench in LPA No. 85 of 2021



dated 06.03.2025 wherein it has been 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 above, the impugned order dated 13.09.2025 passed by the Sub-Divisional Officer, Benipati, Madhubani is set aside. The matter is remanded back to the Sub-Divisional Officer (Respondent No. 5) for passing



the orders afresh. The authority before passing any order shall grant an opportunity of hearing to the petitioner and also give him an opportunity of filing any further explanation by giving sufficient time. After receipt of the explanation, if any, the authority shall pass a reasoned order giving the reasons either for rejecting or accepting the explanation submitted by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of the receipt of the copy of this order. Any order passed shall be communicated to the party. In case, the petitioner is so advised, he is free to approach the Sub-Divisional Officer for restoration of his license pending the decision likely to be taken by the Sub-Divisional Officer.

7. With the above directions, the present Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

shakir/-

U			
---	--	--	--

