

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18470 of 2023

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Puja Kumari W/o Bhim Kumar Ram, Resident of Village- Nista Gram
Panchayat Toralpur P.S.- Suryagarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply,
Govt. of Bihar, Patna.
2. The Divisional Commissioner, Munger.
3. The Collector cum District Magistrate, Lakhisarai.
4. The District Programme Officer, Food and Supply, Lakhisarai.
5. The Sub Divisional Officer, Lakhisarai.
6. The Block Supply Officer, Suryagarha, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar, Advocate.

For the Respondent/s : Mr. Addl. Advocate General (13)

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

3 27-03-2025 Heard learned counsel for the parties.

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

“(i) For issuance of an appropriate writ/order/direction for quashing the order dated 12.10.2023 passed in PDS Supply Appeal No. 17/2023 (Annexure-7) by the Divisional Commissioner Munger, Respondent No. 2 by which he dismissed the revision application of the petitioner affirming the order dated 27.12.2022 passed in Supply Appeal Case No. 15/2022 contained in (Annexure-6) by the Collector-cum-District Magistrate, Lakhisarai, Respondent No. 3 as well as the order dated



27.12.2022 passed in Supply Appeal No. 15/2022 contained in Annexure-6 by the Collector-cum-District Magistrate, Respondent No. 3 by which he dismissed the appeal of the petitioner affirming the order dated 13.05.2022 contained in Memo No. 373 dated 13.05.2022 (Annexure-5) passed by the Sub-Divisional Officer, Lakhisarai, Respondent No. 5 as well as the order dated 13.05.2022 contained in Memo No. 373 dated 13.05.2022 contained in Annexure-5 by which he (Respondent No. 5) cancelled PDS License bearing No. 04/2019 of the petitioner (FPS Code-122700100511).

(ii) Respondent concerned may be further directed to restore PDS License No. 04/2019 of the petitioner (FPS Code-122700100511) and allow her to lift commodities under public distribution system and distribute the same among her consumer/beneficiaries.”

3. Learned counsel appearing on behalf of the petitioner has stated that the license of the petitioner has been cancelled by the Sub-Divisional Officer, Lakhisarai vide order dated 13.05.202, thereafter, the petitioner has preferred an appeal before the District Magistrate, Lakhisarai, however, the District Magistrate vide order dated 27.12.2022 had dismissed the appeal. Thereafter, the petitioner aggrieved by the order passed by the appellate authority, has preferred a revision before the Divisional Commissioner, Munger who has dismissed the revision vide order dated 12.10.2023. Learned counsel has



stated that the order dated 12.10.2023 impugned in the present writ petition i.e. the order passed by the Divisional Commissioner is passed by the very same person who has passed the order in appeal. Learned counsel has stated that passing of the order by the Divisional Commissioner, Munger who as the District Magistrate, Lakhisarai has passed the appellate order is bad in law. That the authority concerned ought to have recused himself and ought not to have passed the order in revision as his own order is under challenge in the Revision.

4. Having regard to the above mentioned facts and circumstances, this Court is of the opinion that hearing and passing of the order by the Divisional Commissioner in the revision filed by the petitioner against his own orders passed in Supply Appeal Case No. 15/2022 is contrary to the well settled principles of law. Therefore, the impugned order dated 12.10.2023 passed by the Divisional Commissioner, Munger (Respondent No. 2) is set aside. The matter is remanded back to the revisional authority for passing orders afresh. In case, the very same person is at the helm of the affairs, the authority shall recuse himself and place the matter before the Divisional Commissioner, Bhagalpur who shall hear the matter and pass necessary orders on merits in accordance with law. 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 12 weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

6. With the above observations, the present Writ Petition stands disposed of.

(A. Abhishek Reddy, J)

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