

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3007 of 2026

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Vinay Kumar Ray, s/o Utim Lal Ray, r/o Village -Thadhi, P.S Ladania,
District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Collector-cum-District Magistrate, Madhubani.
4. The Licensing Officer-cum- Sub Divisional Officer, Jaynagar, District -Madhubani.
5. The Block Supply Officer, Ladania, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ankit Kumar, Adv.
For the Respondent/s : Mr.Government Advocate (02)

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

4 21-04-2026 Heard the learned counsel for the parties.

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

*“That this petition in writ jurisdiction of this
Hon'ble Court is being filed for issuance of an
appropriate writ, order or direction to quash
the Revisional order dated 30.10.2025 passed
in Revision Case No. 10/2023 by the learned
Commissioner. Darbhanga, appellate order
dated 26.7.2022 passed by learned Collector-
Cum-District Magistrate Madhubani
(Respondent No. 3) in Appeal No. 31/2021-22
as well as order dated 21.6.2021 vide Memo
No.262 passed by Licensing Officer-Cum-Sub-
Divisional Officer Jaynagar (Respondent No.
4) whereby and where under the P.D.S.*



License No.70/2019 of the petitioner has been cancelled and further to restore the P.D.S. License of the petitioner and/or for any other relief or reliefs to which the petitioner is found fit and entitled.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed as PDS dealer on 08.05.2019 and thereafter he has been continuing to operate the same. Learned counsel submits that the shop of the petitioner was physically inspected on 07.06.2021 by the concerned Sub-Divisional Officer at 1.40 P.M. Thereafter, a show cause notice was issued to the petitioner, to which the petitioner has given a suitable reply. Subsequently, the Sub-Divisional Officer has passed the order dated 21.06.2021 (Annexure P/8) cancelling the PDS license of the petitioner. Learned counsel submits that though the petitioner has preferred a statutory appeal and the revision, the appellate authority as well as the revisional authority have not considered the merits of the case and dismissed the appeal and revision, confirming the cancellation order passed by the Sub-Divisional Officer dated 21.06.2021 vide memo no. 262 (Annexure P/8). Learned counsel has stated that as per Rule 25(i)(a) of the Control Order, 2016, the licensee is obligated to keep the shop open throughout the month during the stipulated period. That as per Rule 15 of



the Control Order, 2016, the PDS shop should be kept open from 07.00 a.m. to 01.00 p.m. from March till August and from 08.00 a.m. to 02.00 p.m. from September to February. Learned counsel further submits that the inspection of the shop of the petitioner was done on 07.06.2021 at 1.40 P.M by the Sub-Divisional Officer is contrary to the provisions of Rule 15 of the Bihar Targeted Public Distribution System (Control) Order, 2016. Further counsel has submitted that the copy of the inquiry report has also not been submitted to the petitioner along with the show cause notice.

4. Learned counsel has relied on the judgments of this Hon'ble Court passed in CWJC No. 15855 of 2023 dated 07.02.2024 and CWJC No. 3759 of 2024 dated 10.05.2024 in support of his contentions. Learned counsel has stated that the impugned order of cancellation is bad and liable to be set aside and prayed this Hon'ble Court to allow the present writ petition and direct the respondent-authority to restore the PDS license of the petitioner.

5. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has submitted that there are serious allegations against the



petitioner. That at the time of inspection, the Sub-Divisional Officer had directed the petitioner to produce various registers but the petitioner failed to do so. Therefore, the authority had to take necessary action strictly in accordance with law. That the petitioner was put on notice and given an opportunity of filing his explanation. Thereafter, the impugned order has been passed by the Sub-Divisional Officer vide order dated 21.06.2021. That both the District Magistrate and also the Divisional Commissioner, who are the appellate authority and the revisional authority respectively, have also confirmed the order of Sub-Divisional Officer. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. In order to resolve the issue in the present Writ Petition, it is necessary to extract the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016, i.e., more particularly Rules 15 and 25(i)(a) of the Control Order, which read as under :

“15 : Working and Leave :-- (i) A shop of public distribution system shall be kept open every day in a week from 7.00 am to 1.00 pm from March to August and from 8.00 am to 2.00 pm from September to February.

(ii) If a fair price shop owner is unable to operate the shop due to unavoidable reasons for a limited period, he shall submit an application to the licensing authority. The



licensing authority may give him permission to go in leave after making optional arrangement for supply of essential commodities to the consumers related to his shop. The maximum period of leave shall be of 90 days at a time.”

“25. Action against a licensee. - (i) In view of the order passed by the Hon'ble Supreme Court in Civil Writ 196/01, action shall be taken against the licensees in the following circumstances :-

Licensees who,

(a) do not keep their shops open throughout the month during the stipulated period;

*.....
.....”*

7. Admittedly, in the present case, the inspection of the shop has taken place on 07.06.2021 at 1.40 p.m, i.e., after the stipulated time. There is no legal obligation on the petitioner to keep the shop open beyond the stipulated time, i.e., after 1:00 p.m., and as such, it cannot be said that the petitioner has violated the provisions of the Control Order, 2016.

8. Having regard to the fact that the shop of the petitioner was inspected beyond the working hours, the impugned order passed by the authority is liable to be held bad, arbitrary and illegal. Once the original order is found to be bad, the subsequently order in the appeal and revision both have no legs to stand and are liable to be set aside. Having regard to



same, the impugned order dated 30.10.2025 passed by the Divisional Commissioner, order dated 26.07.2022 passed by the District Magistrate and the order dated 21.06.2021 passed by the Sub-Divisional Officer are all set aside. The respondent authorities are directed to restore the PDS license of the petitioner at the earliest preferably within a period of four weeks from today.

9. With the above direction, the present writ petition stands allowed.

(A. Abhishek Reddy , J)

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