

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11769 of 2019

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Rajesh Kumar Sharma Son of Late Ram Jatan Sharma Resident of-Chapra
Megh, P.S.-Mushari, District-Muzaffarpur, Chairman Chapra Megh Primary
Agriculture Credit Co-operative Society, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary

dismissed the appeal and further for quashing the order dated 08.01.2019 passed in PDS Revision Case No. 42 of 2018 by the learned Commissioner, Tirhut Division, Muzaffarpur by which he was pleased to dismissed the Revision and further be pleased to restore the license and supply of the petitioner.

2. The brief facts culled out of the petition are that the petitioner's PDS license (No. 06-MUS-01-10) was cancelled by the Sub-Divisional Officer, (East) Muzaffarpur, without supplying the enquiry report or considering the show-cause reply filed by the petitioner. The cancellation was based on vague allegations that are not sustainable in the eyes of the

(Raghuvir Prasad Vs. The State of Bihar & Ors.). The Learned Senior Counsel contends that this matter is squarely covered by the judgment passed by this Court in **Raghuvir Prasad (supra)**. Therefore, it is prayed that this Writ petition may be disposed of on the same terms and conditions.

4. The Learned Counsel for the respondents, agreeing with the judgment passed by this Court in **Raghuvir Prasad (supra)** and submits that this matter may be disposed of on the same terms and conditions as outlined in the aforesaid judgment.

5.

at Annexure-1 as well as non-supply of names of such of the consumers who had complained against the petitioner as regarding the irregularities in distribution of the food-grains or the kerosene oil has prejudiced the petitioner to file his purposeful reply and in absence thereof, the order impugned in my opinion, are based on no materials.

Though it was strenuously argued by Mr. Pandey that in absence of any response by the petitioner the allegations would be deemed to have been admitted but in my opinion even if the show cause reply was missing, the orders passed by the statutory authorities having civil consequences and resulting in cancellation should reflect application of mind. Unfortunately it is grossly missing inasmuch as neither the order of the Licensing Authority nor the order of the appellate authority deal with the materials which formed the basis to drive home the charges.

is allowed and the order passed by the Licensing Authority as contained in Annexure-3 along with the order of the appellate authority placed at Annexure-4 are set aside. The licence of the petitioner stands restored.

This order would, however, not preclude the respondents to proceed in the matter in accordance with law bearing in mind the observations made hereinabove."

7. In view of the fact that this matter is squarely covered by the aforesaid judgment, the Writ application is allowed, in light of the judgment passed in **Raghuvir Prasad (supra)**, and the imp

shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

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