

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6736 of 2026

Arshad Ali, Son of Shamsuddin Khan, Resident of Ward no.- 20, P.O. and
P.S.- Bikramganj, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply,
Government of Bihar, New Secretariat, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Rohtas.
4. The Additional District Magistrate, Rohtas.
5. The Sub Divisional Officer, Vikramganj, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Adya Pandey, Advocate.

For the Respondent/s : Mr. Addl. Advocate General (04)

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

2 30-04-2026 Heard the learned counsel for the parties.

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

“(i) For quashing the order dated 17.02.2026 whereby and whereunder the PDS license No. 35 of 2007 is cancelled pursuant to the order passed in CWJC No. 17394 of 2025.

(ii) For quashing the letter contained in Memo no. 37 dated 12.02.2026 by which show cause was issued to the petitioner is gross violation of natural justice since the enquiry report was not served to the petitioner.

(iii) For restoring the PDS License No. 35 of 2007 of the petitioner.”



3. Learned counsel appearing on behalf of the petitioner submits that earlier the petitioner has approached this Hon'ble Court by way of CWJC No. 17394 of 2025 and this Hon'ble Court was pleased to dispose of the said writ petition on 22.01.2026. That the earlier show-cause notice and the order of cancellation of PDS license passed by the Sub-Divisional Officer was a subject matter of CWJC No. 17394 of 2025. That this Court *vide* order dated 22.01.2026 duly taking into consideration the fact that the show-cause notice issued to the petitioner was not in consonance with the Rule 27 (ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 has set aside the order of cancellation and remanded the matter back to the authority concerned for issuing a fresh show-cause notice in terms of the Rule 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 and passing orders afresh. However, the authority, thereafter, has issued the show-cause notice dated 12.02.2026 (Annexure-P/5) which clearly reflects that the proposal for the action sought to be taken against the petitioner has not been mentioned. Further, it is stated that the copy of the enquiry report has not been enclosed along with the said show-cause notice. It is submitted that the petitioner has been granted time till 17.02.2026 for filing his



explanation. Learned counsel submits that the notice was served on 12.02.2026 and, thereafter, the impugned order dated 17.02.2026 has been passed, counsel submits that 14th and 15th of February, 2026 were second Saturday and Sunday respectively and both are public holidays. That as a matter of fact only 3 working days have been given to the petitioner to file his explanation which is in gross violation of the principles of natural justice and equity. Learned counsel, therefore, prays this Hon'ble Court to set aside the impugned order dated 17.02.2026 and restore the license of the petitioner.

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 before the District Magistrate against the orders of cancelation dated 17.02.2026 passed by the Sub-Divisional Officer, Vikramganj, Rohtas. However, the petitioner without availing the said remedy has straightaway approached this Hon'ble Court by way of the present CWJC which is impermissible. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, in this present case the facts are not in



dispute. Pursuant to the direction given by this Court in CWJC No. 17394 of 2025 dated 22.01.2026, the respondent-authority has issued a fresh show-cause notice to the petitioner on 12.02.2026 (Annexure-P/5). A perusal of the said show-cause notice reveals that the petitioner was granted time till 17.02.2026 for filing his explanation, however, it is to be noted that 14th and 15th of February, 2026 are both public holidays being second Saturday and Sunday and as such effectively only three days time has been granted to the petitioner to file his explanation. Further, it is pertinent to note that the authority has passed the impugned order on 17.02.2026 itself. A perusal of the show-cause notice issued to the petitioner does not contain any proposal of action sought to be taken against the petitioner in terms of the Rule 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016. This Court on the earlier occasion in CWJC No. 17394 of 2025 dated 22.01.2026 while setting aside the order of cancellation of PDS license has directed the sub-Divisional Officer to issue a fresh show cause notice strictly in terms of the clause 27(ii) of the control order, however, the authority has failed to do so.

6. Having regard to the same, the impugned order dated 17.02.2026 passed by the Sub-Divisional Officer,



Vikramganj, Rohtas is set aside. The matter is remanded back to the authority concerned for issuing a fresh show-cause notice to the petitioner strictly in terms of Rule 27 (ii) of the Control order, 2016. The authority shall also furnish a copy of the enquiry report, if any, along with the show-cause notice and the petitioner shall be provided ample time for filing his explanation preferably minimum period of 10 days. After receipt of the explanation from the petitioner, the authority shall pass a reasoned order duly taking into consideration the explanation filed by the petitioner to the show-cause notice. The authority shall endeavour to pass orders as expeditiously as possible preferably within a period of 8 weeks from the date of the receipt of the copy of this order. It is needless to observe that before passing any order the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the party.

7. With the above directions, the present Writ Petition stands disposed of.

(A. Abhishek Reddy, J)

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