

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2740 of 2015

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Birendra Kumar Singh, S/o Sri Ram Pravesh Singh, Resident of Village- Dhanao,
P.S.- Deo, District- Aurangabad

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food and Supply Department, Bihar, Patna
3. The District Magistrate-cum-Collector, Aurangabad
4. The District Supply Officer, Aurangabad
5. The Sub Divisional Magistrate, Aurangabad
6. The Circle Officer cum Block Supply Officer, Deo, Aurangabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr Jagannath Singh, Adv.

For the Respondent/s : Mr. Rakesh Kumar, G.A.-13

Mr. Rajeev Shekhar, A.C. to G.A.-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-06-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is challenging the order
dated 26.12.2014 passed by the Sub-Divisional Officer,
Aurangabad, in Supply Case No.02 of 2014, whereby and
whereunder he has not accepted the explanation submitted by the
petitioner and cancelled the P.D.S. licence of the petitioner.

Learned counsel for the petitioner submits that the
authority has not followed the procedure and not given the
opportunity to the petitioner to defend his case inasmuch as the



inquiry report has not been submitted.

It appears that the petitioner instead of exhausting the alternative remedy has directly approached this Court as there is provision of appeal against the order of the Sub-Divisional Officer.

In such view of the matter, let the petitioner exhaust the alternative remedy of appeal before the appellate authority. If the petitioner files an appeal before the appellate authority, the appellate authority shall consider the same and pass order in accordance with without unnecessary delay. The appellate authority while considering the question of limitation will take into consideration the pendency of this case before this Court.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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