



2026:PATHC:10235

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10615 of 2025**

Rajendra Prasad Gupta, Son of Shivilal Prasad, Resident of Chandrika Studio  
Gali No.4, Indrapuri Sipara, Patna, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, District- Patna.
3. The Additional District Magistrate (Supply), District- Patna.
4. The Special Officer Rationing, Patna Rationing, District- Patna.
5. The Sub-Divisional Officer, Patna Sadar, District- Patna.
6. The Assistant District Supply Officer, Patna Sadar, District- Patna.
7. The Supply Inspector, Ward No. 21, Patna Rationing, District- Patna.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr.Kumar Gaurav, Adv.      |
| For the Respondent/s | : | Mr.Government Advocate (3) |
|                      |   | Mr. Shiv Kumar, AC to GA 3 |

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

5      31-01-2026

**I.A. No. 01 of 2026**

Interlocutory application is allowed.

2. Registry is directed to make the necessary  
amendment in the prayer portion of the present writ petition.

3. Heard the learned counsel for the parties.

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

*“A. A Certiorari for quashing and setting  
aside the order passed by the Sub Divisional  
Officer Patna sadar vide Memo No.1093  
dated 08.12.2022 whereby and where under*





*license of the petitioner P.D.S shop bearing License No. 190/2016 has early been suspended with immediate effect only on the ground that a F.I.R. has been lodged against the petitioner contained therein Annexure (- P) / 3 (Series) and subsequent to that license and agreement of the petitioner has been cancelled contained therein Annexure (- P) / 1 (Series) wholly without jurisdiction & on the contrary to the implicit provision thereto.*

*B. A Mandamus commanding the Respondent licensing authority cum Sub Divisional Officer Patna Sadar to comply the order passed by the District Magistrate, Patna Vide order Dated 21.09.2024 in relation to P.D.S.Appeal Case No. 05/2023-2024 contained therein Annexure -P/1 (Series) & restore the license of the petitioner's P.D.S shop bearing License No. 190/2016 as well as consumers of the petitioner shop as like as before & to resume the supply of food grains by allotting the monthly allotment of food grains as same as before*

*C. A mandamus commanding the Respondents Authority the Principle Secretary, Food & Consumer Protection Department Bihar & the District Magistrate, Patna to take an appropriate legal action against the current A.D.S.O, Patna Sadar*





*who has deliberately & willfully disobey, not complied & tried to dilute & divert the matter only for the sake of personal interest & needlessly mental & physical trouble to the petitioner in relation to Appeal Case No. 05/2023-2024, passed by the District Magistrate, Patna vide order dated 21.09.2024 challenged against the cancellation of the P.D.S. license of the petitioner vide Memo No. 1093 dated 08.12.2022 which is settled by the law & also signifies by the several judgments with respects to the aforesaid matter.*

*D. Any other relief or reliefs for which petitioner may be found entitled in the fact and circumstances of the present case may be granted to him.”*

5. The following para has been added by allowing

I.A. No. 01 of 2026 vide order dated 31.01.2026.

*E. For quashing & setting aside the impugned order passed by the Sub-Divisional Officer, Patna Sadar containing Memo No. 193 (Annexure R/1) dated 16.05.2025 wherein the license of the petitioner has been cancelled on the contrary of the implicit provisions contained thereto without considering the facts, merit & law laid down upon it without application*





*of mind unilaterally & prejudicially which is evident from the counter affidavit filed by the Respondent Authority & restore the license of the petitioner P.D.S shop bearing License No. 190/2016 as well as consumers of the petitioner shop as like as before & to resume the supply of food grains by allotting the monthly allotment of food grains as same as before. ”*

6. Learned counsel appearing on behalf of the petitioner submits that the shop of the petitioner was inspected on 26.07.2022 at 2.42 P.M. and the same is evident from the order passed by the Appellate authority vide order dated 21.09.2024. Learned counsel submits that the inspection of the shop at 2.42 P.M. is totally illegal and bad when the petitioner is obligated only to keep the shop open from 08.00 A.M. to 02.00 P.M. Learned counsel therefore states that once it is found that the inspection itself is bad the consequential action of cancellation and also the order of the Appellate authority have to be necessarily set aside. Learned counsel has therefore prayed this Hon'ble Court to set aside the impugned orders passed by both the appellate as well as the primary authority and restore the license of the petitioner.

7. Learned counsel has submitted that as per Rule





15 of the Control Order, 2016 the petitioner is obligated to keep the shop open from 08.00 am to 02.00 pm and the shop of the petitioner was closed after the stipulated time at 02.00. Learned counsel has prayed this Hon'ble Court to allow the present writ petition by setting aside the impugned order.

8. Per contra, the learned counsel appearing on behalf of the respondents-State has vehemently opposed the maintainability of the present writ petition and stated that the authority concerned duly taking into consideration the allegations against the petitioner has inspected the PDS shop of the petitioner and thereafter, issued show cause. The authority has found the allegation against the petitioner serious in nature and having found the explanation of the petitioner not satisfactory, canceled the license of the petitioner. Learned counsel has therefore, prayed this Court to dismiss the present writ petition.

9. In order to resolve the issue in the present Writ Petition it is necessary to extract the provisions of the Act 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 are stated as follows:

*"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 Writ196/01, 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;*

10. Admittedly, in the present case the inspection of the shop has taken place on 26.07.2022 at 2.42 P.M. i.e., after the stipulated time. There is no legal obligation on the petitioner to keep the shop open after the stipulated time, ie., after 2.00 pm and as such it cannot be said that the petitioner has violated the provisions of the control order. The impugned action of the respondents canceling the lincese of the petitioner





on the above stated ground has to be necessarily set aside.

11. Having regard to the above mentioned facts and circumstances the impugned orders dated 08.12.2022 and 16.05.2025 passed by the S.D.O, Sadar Patna as well as the order dated 21.09.2024 passed by the Appellate authority are hereby set aside. The PDS license of the petitioner is restored. The authorities are directed to restore the supply of grains to the petitioner at the earliest.

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

**(A. Abhishek Reddy , J)**

Bhardwaj/-

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