

**(2023) 04 PAT CK 0063****Patna High Court****Case No:** Civil Writ Jurisdiction Case No. 3946 Of 2023

Vidya Singh

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision:** April 24, 2023**Hon'ble Judges:** Sanjeev Prakash Sharma, J**Bench:** Single Bench**Advocate:** Sanjay Kumar Pandey No.5, Sudhanshu Kumar, Anisul Haque**Final Decision:** Dismissed**Judgement**

1. Heard the parties.

2. The petitioner, by way of this writ petition, assails the order passed by the S.D.O., Hathua, District-Gopalganj, cancelling his license on a ground that after having received the ration food material which he did not distribute even up to the date of inspection which was conducted on 07.08.2016. There are other allegations also levelled against the petitioner which have been found to be proved. The petitioner filed an appeal which was rejected by the appellate authority and the revision too has been rejected by the revisional authority. The license was cancelled on 25.07.2016. More than seven years have passed by. Learned counsel submits that no third party interest has been created.

3. This Court finds that the reason given out by the petitioner for not distributing the ration is illness and in support thereof, he has filed a certificate of a Doctor dated 30.08.2016, which mentioned his illness to be of Diabetes Mellitus and Depression and he does not say that the petitioner was bed-ridden or admitted and/or prevented from performing his distribution of ration. Even otherwise, the illness does not, in any manner, reflect the petitioner to be in such an incapacitated position that he would not perform his duties of distribution of ration. Admittedly, the distribution of ration is delayed which is a violation of the license condition. The factual aspects relating to that have already been examined by the three quasi judicial authorities. This Court would not in writ jurisdiction adopt the role of an appellate authority. All the three authorities have considered the representations before taking the decision.

4. No interference, therefore, is warranted. The writ petition is dismissed.

5. It is made clear that the petitioner would always be free to participate in the fresh distribution.