

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Rev. Case No. 212/2013**  
**Binda Mishra**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

The instant revision petition is directed against the impugned order passed by D.M. Siwan in Supply Appeal case No. 154/2012-13 on 28.06.2013.

The brief facts of the case are that Smt. Binda Mishra W/o Kaushal Kishore Mishra, R/o Vill-Bhanta Pokhar, Block-Siwan Sadar, Dist-Siwan was a PDS dealer having PDS licence No. 126/2007. Further case is that the PDS shop of the petitioner was inspected on 07.01.2012 by BSO, Siwan. In course of inspection following irregularities were found like; 38 BPL consumers alleged that the dealer had supplied only 20 kg of food grains for the month of Nov. 2011 and forcibly took away the coupons meant for the month of Dec. 2011. Only 17 coupons of Antodaya and 107 coupons of BPL consumers were shown on which food grains were distributed in the month of Nov. 2011 and less quantity of food grains (wheat 8.5 Quintal and Rice 11.00 Quintal) were formed in stock. For the said irregularities the licencing authority, the SDO, Siwan Sadar asked show cause from the petitioner vide memo No. 05/Supply dt. 07.01.2012. the petitioner filed her show cause reply in which she admitted to have committed irregularities. Finding the said irregularities is of serious nature, the licencing authority finally vide order contained in memo No. 09/Supply dt. 10.01.2012 cancelled the licence of the petitioner. Feeling aggrieved by the said order, the petitioner filed an appeal case before D.M. Siwan vide Supply Appeal case No. 154/2012-13 and the Said appeal case was also dismissed on the ground that since the petitioner had admitted her guilty in writing, there was no accession to give any relief in the matter to the petitioner. On being aggrieved by the said order, the petitioner came before this Court in revision.

The learned counsel appearing on behalf of the appellant while assailing the impugned cancellation order of SDO, Siwan Sadar and D.M. Siwan submitted that the orders are illegal and in violation of the principle of natural justice as the petitioner was not given any opportunity of personal hearing and even not for filing any second show cause reply. He further argued that the fact is that the petitioner being a illiterate lady and widow, she could not understood the gravity of the statement given in writing by her wherein she accepted to have committed the alleged irregularities and she would not repeat the same in future. The learned counsel further submitted that all the allegations against the petitioner were made at the instance of her enemies who were also dealer only with a motive to facilitate the cancellation of the petitioner's licence. The learned counsel lastly submitted that as the petitioner being a widow having no other means of income for rearing her children such a drastic action should not have been taken by the authority. He also said that all these facts were placed before the D.M. Siwan but he did not consider the same rather he simply held that the confession made by the petitioner in writing was sufficient for the impugned action taken by the licencing authority. He also prayed that as the learned D.M. failed to consider the relevant facts of the case properly, this impugned order of D.M. Siwan is liable to be set aside.

The learned Spl. P.P. appearing on behalf of the D.M. Siwan opposed the submission made by the learned counsel for the petitioner and submitted that the impugned order is cogent, reasoned and proper. He further stated that as the petitioner herself admitted



the guilt, nothing remains to be looked into the matter a fresh as such, the instant revision petition is fit to be dismissed.

Considering the facts and circumstances of the case, material available on records, submission forwarded by the learned counsel for the parties and on perusal of the impugned order, it is seen that the petitioner's PDS licence has been cancelled for some alleged serious irregularities stated to have been found during inspection by BSO, Siwan Sadar. It is also seen that, although, petitioner filed her show cause reply refuting the alleged charges before the licencing authority, the SDO but due to seriousness of the irregularities and confessional statement of the dealer were held as sufficient reasons for cancellation of the licence of the petitioner. Moreover, the appellate authority the D.M. Siwan also took the similar view and he also upheld the cancellation order of SDO as correct. It is also important to be noted that since, the petitioner herself has admitted the alleged irregularities, in writing how she can now prays for relief in the same matter on the ground of she being an illiterate lady and innocence person. It appears that the learned SDO and learned D.M. have taken correct decision in the facts and circumstances of the case. The learned counsel failed to point out any specific illegality in the said orders.

For the aforementioned reasons, the impugned order of D.M. Siwan is upheld and this revision application being devoid of any merit is dismissed.

Dictated and Corrected by me

Commissioner  
Saran Division, Chapra.

Commissioner  
Saran Division, Chapra.