

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5260 of 2019**

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Sandhya Kumari wife of Ganesh Jaiswal, Resident of Village - Rupouli, P.S.  
Patori, District - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Director, Food and Consumer Protection Department, Bihar, Patna.
3. The Secretary, Food and Consumer Protection, Bihar, Patna.
4. The Deputy Secretary, Food and Consumer Protection Department, Bihar, Patna.
5. The District Magistrate, Samastipur.
6. The Sub-Divisional Public Redressal Officer, Patori, District - Samastipur.

... .. Respondents

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**Appearance :**

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|----------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Vinay Kumar Mishra, Advocate<br>Mr. Shankar Prasad Ray, Advocate |
| For the Respondent/s | : | Mr. Alok Ranjan, A.C. to A.A.G-5                                     |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      06-11-2019                      It appears from the narration of facts in the writ application that the petitioner had applied for grant of Public Distribution System Shop license pursuant to the advertisement issued on 17.08.2017. The selection list was, thereafter prepared by the District Selection Committee in which the name of the petitioner was not found as an empanelled candidate. One year after the selection process was over, the petitioner seems to have filed an application before the Sub-Divisional Public Grievance Redressal Officer who took a view that after publication of the merit list, the grievance of the petitioner cannot be settled at his level. The petitioner filed a representation before the District



Collector, Samastipur vide her letter dated 24.12.2018 as contained in Annexure '4' to the writ application. Learned counsel for the petitioner submits that the representation of the petitioner has not been considered by the Collector, Samastipur (Respondent No. 5).

Learned counsel for the respondents-State submits that under the provisions of the Bihar Targeted PDS (Control) Order, 2016 (hereinafter referred to as the 'Rule of 2016'), the petitioner had a remedy to file an appeal within a period of 30 days from the date of completion of the selection process i.e. publication of the merit list. It is submitted that under Rule 32 of the Rule of 2016 the period of limitation prescribed for filing of appeal is within 30 days but the petitioner seems to have filed a grievance petition before the Sub-Divisional Grievance Redressal Officer after one year. It is after the rejection of her complaint by the Sub-Divisional Grievance Redressal Officer vide Annexure '3' to the writ application, the petitioner seems to have moved before the Collector on 24.12.2018. It is submitted that at this belated stage when the petitioner herself was not vigilant in pursuing her remedy within the period of limitation under the Rule of 2016 and there being a delay of about one year, this Court need not entertain this writ application.



Having heard learned counsel for the petitioner and the State, this Court is of the considered opinion that in the facts and circumstances of the present case no interference is required at the end of this Court.

It is evident from the record that the petitioner had not raised any grievance against the publication of the selection list earlier when the objection was invited at the level of the Sub-Divisional Officer, there is no such statement in the writ application. Even after publication of the merit list, the petitioner remained silent and chose to file a representation before the Sub-Divisional Grievance Redressal Officer under the Bihar Public Grievance Redressal Act. The period of limitation being 30 days for filing of appeal before the Collector under Rule 32 of Rule of 2016, if the petitioner has chosen not to raise an issue for almost one year and has moved before the Collector only on 24.12.2018, there is no reason as to why this Court should entertain a writ application at this stage and issue any direction to the petitioner to entertain an appeal which is completely barred by limitation.

It is for the petitioner to show cause before the Collector and satisfy him and in case the Collector finds that there are sufficient cause to explain the delay, he may in his own



discretion condone the delay and entertain the appeal on its own merit. This Court directs the District Magistrate, Samastipur (Respondent No. 5) to take an appropriate view of the matter on the representation of the petitioner after giving an opportunity to the petitioner to explain the delay in filing of the writ application. Let the whole exercise be completed within a period of 90 days from the date of receipt/production of a copy of this order.

The writ application stands disposed off accordingly.

**(Rajeev Ranjan Prasad, J)**

vats/ved

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