

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10490 of 2018

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Ashok Mahto Son of Lakshmi Mahto, R/o Village-Godhail, Tumaul, P.S.-
Ghanshyampur, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Civil Supply,
Patna
2. The Principal Secretary, Food and Civil Supply, Patna.
3. The Divisional Commissioner, Darbhanga
4. The District Magistrate, Darbhanga.
5. The District Supply Officer, Darbhanga.
6. The SDO, Biraul-Cum-Member, District Selection Committee, PDS,
Darbhanga.
7. Munna Kumar Yadav, Son of Bhagwat Yadav, R/o Village-Godhail, Tumaul,
P.S.-Ghanshyampur, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
For the Respondent/s : Mr. S. Raza Ahmad- AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 02-07-2025

1. The writ petition is filed for the
following reliefs:

“ (I) ... For issuance of direction
to the respondents to give PDS shop to the
petitioner as per advertisement issued in
daily news paper by the respondent no. 5
in the district of Darbhanga for Sadar
Darbhanga, Benipur, Biraul Sub Division as
he is more qualified and having more
merit marks than the private respondent.



(ii) For issuance of direction the respondents to cancel the PDS shop of the respondent no. 7 who was granted PDS shop under B.C. category in Block Ghanshyampur even through he has lower merit marks than the petitioner.

(iii) To pass such other order(s) as Your lordships may deem fit and proper in the facts and circumstances of the case.

2. At this juncture, the Learned counsel for the respondents contended that Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of appeal. Section 32(iii) read as follows:

“32 (iii). Any person aggrieved by an order of the licensing authority denying the issue or renewal of the license to the fair price shop owner or cancellation of the license may appeal to the District Officer within thirty days of the date of receipt of the order and the District Magistrate shall, as far as practicable, dispose the appeal within a period of sixty days.”

3. Admittedly, from the reliefs prayed for in



the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned authority, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned authority to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within four weeks from the date of receipt of this order before the authority concerned. The delay in filing the appeal shall be condoned by the concerned authority, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the



Writ petition is disposed of.

7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2025
Transmission Date	

