

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14849 of 2018

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Md. Abullaish Tauheed Son of Md. Kamar Tauheed, Resident of VillagePost-Pali, Police Station- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Secretary, Food and Civil Supply, Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The District Magistrate, Darbhanga.
5. The District Supply Officer, Darbhanga.
6. The Sub-Divisional Officer, Biraul cum Member District Selection Committee, PDS, Darbhanga.
7. Roushan Kumar Jha, Son of Chandra Shekhar Jha, Resident of VillagePost-Pali, Police Station- Ghanshyampur, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-07-2025

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

(i) For Issuance of an appropriate
Writ/Writs, Order/Orders,
Direction/Directions 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 Biraul Sub-
Division as he is more qualified and



having more merit marks than the Private respondent.

(ii) For Issuance of an appropriate Writ/Writs. Order/Orders,

Direction/Directions to the respondents to cancel the PDS shop of the private Respondent No. 7 bearing PDS licence No. 29/18, who was granted PDS shop in block Ghanshyampur even though he has lower merit marks than the petitioner.

(iii) To such pass other order/orders, as your lordship, may deem fit and proper in the facts and circumstances of this 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025
Transmission Date	

