

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15843 of 2018

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Pankaj Kumar Son of Surendra Singh, Resident of Village P.O.- Chhoti Pali,
P.S.- Narhat, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food & Civil Supplies Department, Government of Bihar, Patna
2. The Principal Secretary, Food and Civil Supplies Corporation, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Patna.
4. The District Magistrate, Nawada.
5. The Sub Divisional Officer, Rajauli.
6. The Block Supply Officer, Narhat.
7. Sintu Kumar, Son of Radhe Shyam Singh, Resident of Village- Daulatpur, P.O.- Chhoti Pali, P.S.- Narhat, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate
For the Respondent/s : Mr. Arvind Ujjwal- SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 11-07-2025

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

“(a) Issuance of direction to the respondent authorities to consider the candidature of the petitioner for grant of PDS Shop in view of his higher degree in computer application as compared to the respondent No 7.

b) To stay the selection process of grant of PDS License in the Block



Rajauli, Nawada, till the pendency of the writ application.

c) To set aside the provisional selection of respondent No 7.

d) And for any other relief/relies that your lordships may deem fit and proper in the interest of justice.”

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 and Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of revision. Section 32(iii) 32(v) and 32(vi) 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.”

32. (v) Till the disposal of appeal



pending, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party under sub-clause (4) or until the appeal is disposed of, whichever is earlier.

(vi) Due to non disposal of the appeal within sixty days by the District Officer or against the order passed in the appeal, a revision may be filed before the Divisional Commissioner. The revision shall be disposed of within two months.

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy under the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016.

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



Limitation Act.

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

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	11.07.2025
Transmission Date	

