

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17857 of 2018

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Bishekha Kumari W/o Chandan Kumar Choudhary, resident of Village-
Basgarha, P.S.- Kodha, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The District Magistrate, cum Collector, District- Katihar.
3. The Sub-Divisional Officer, Katihar, District- Katihar.
4. The Circle Officer cum Block Supply Officer, Kodha, District- Katihar.
5. The Members of the District Selection Committee, District- Katihar.
6. Ranjita Devi, W/o Umesh Yadav, Resident of Village- Basgarha, P.S.- Kodha, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 12-08-2025

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

"1. For setting aside the order dated 26.04.2018 passed by the District Selection Committee, District Katihar, presided over the District Collector District Katihar, whereby and where under the name of the petitioner has been rejected for the purpose of issuance of a P.D.S. license in her favour on the sole ground that the petitioner has no



requisite educational qualification for having a P.D.S. license for running the P.D.S. shop and in her place the private respondent no. 6 has been selected for having a P.D.S. license representing the area of the panchyat which the petitioner hails from. And further prayer of the petitioner is to command and direct the state respondents to grant P.D.S. license to the petitioner after cancelling the P.D.S. license of private respondent no. 6 who has lesser educational qualification than the petitioner has.”

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 remedy available under the Act is to prefer an appeal before the District Magistrate. As the District Magistrate is the head of the Selection Committee he cannot review his orders in an appeal. Therefore, the petitioner is directed to file a complaint/application before the Divisional Commissioner.

5. 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.

6. 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 one month 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.

7. With the above said observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.08.2025
Transmission Date	N/A

