

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19079 of 2018

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Pooja Kumari Wife of Sri Shambhu Kumar Pandit, Daughter of Ram Narayan Pandit, Resident of Village and P.O.-Uchhti, P.S.-Biraul, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary-cum-Commissioner, Food Supply and Commerce Department, Old Secretariat Patna
2. The District Magistrate Cum-Chairman District Selection Committee, District-Darbhangha.
3. District Supply Officer Cum Secretary, Selection Committee, Darbhanga.
4. The D.o. Benipur, Member of Selection Committee, District-Darbhangha.
5. The D.O. Sadar Darbhanga, Member of Selection Committee, District-Darbhangha.
6. The S.D.O. Member Cum Licensing Authority, Biraul Sub-Division, District-Darbhangha.
7. The Sr. Addl. Collector, Member, District Selection Committee, District-Darbhangha.
8. The District Co-operative Officer Cum Member, Selection Committee, District-Darbhangha.
9. Sabita Kumari, Wife of Ram Kumar Sharma, Resident of Village and P.O.-Uchati, Biraul,.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Ravi Shankar
For the Respondent/s	:	Mr.S.Raza Ahmed -AAG-5
For the resp. No. 9	:	Mr.Kaushalesh Choudhary

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-08-2025

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

“For issuance of appropriate writ/writs in the nature of Mandamus directing to the Licensing authority



cum S.D.O. Biraul Sub-Division, District- Darbhanga to issue licence in favour of the petitioner's fair price shop (P.D.S.) which has already been recommendation made by all the 7 members of the District Selection Committee on due claim/objection under the Uchhti Gram Panchayat, Block Biraul, Sub-Division Biraul, District-Darbhanga dated 26.6.18 on the vacant post E.B.C. Women Category."

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 complaint/application 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 complaint/application, the writ petition is disposed of with a direction to the petitioner to file complaint/application within one month from the



date of receipt of this order before the concerned authority. The delay in filing the complaint/application 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 observations, the Writ petition shall stand 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	NA
Uploading Date	30.08.2025
Transmission Date	

