

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18957 of 2018

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Anupama Kumari W/o Neeraj Kumar, Resident of Village- Sona Gopalpur,
P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chairman, District Level Selection Committee, District- Patna.
3. The Collector-Cum-District Magistrate, Patna.
4. The District Supply Officer, Patna.
5. The Sub Divisional Officer, Sadar Patna.
6. The Additional District Supply Officer, Sadar, Patna.
7. The Block Development Officer, Sampatchak, Patna.
8. Sangita Kumari, W/o Nawal Kishore Singh, Resident of Village- Sona Gopalpur, P.S.- Gopalpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.S.Raza Ahmed -Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 12-08-2025

1. The writ petition is filed challenging the decision of District Selection Committee, office of SDO Patna, Sadar by which candidature of respondent no. 8 has been approved for the post of appointment of PDS dealer of Sona Gopalpur in Sampatchak Block, District-Patna on the ground of more marks and further be pleased to direct the



authorities to appoint the petitioner as PDS dealer at the said place.

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 representation within one month from the date of receipt of this order before the concerned authority. The delay in filing the complaint/appeal 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 off.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2025
Transmission Date	

