

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24842 of 2018

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Kiran Kumari W/o Niranjana Rajak, D/o Nawal Kishore Rajak resident of
Village- Laxmipur Kanchan Tola, Block- B. Kothi, District-Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar.
2. The District Magistrate, Purnia.
3. The District Supply Officer, Purnia.
4. The District Co-operative Officer, Purnia.
5. The Additional District Officer, Purnia
6. The Sub-Divisional Officer, Dhamdaha, District- Purnia
7. The Assistant District Supply Officer, Dhamdaha, District- Purnia.
8. The Block Development Officer, B. Kothi, District- Purnia.
9. The Block Supply Officer, B. kothi, District- Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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

Date : 21-08-2025

1. The Writ petition is filed for the following

reliefs:-

*“1. That this is an application
for issuance of an appropriate writ,
order, action cancelling the selection
of Archana Kumari (Respondent No.
10) for grant of license under public
distribution system in as much as her*



selection as P.D.S. dealer for Laxmipur Gram Panchayat is contrary to the rule.

Further direct the respondent concerned to consider the objection of the petitioner and select her for grant of P.D.S. license in as much as she is at Serial No. 2 in the merit list.

And for any other relief (s) for which the petitioner is found to be entitled in the facts and circumstances in 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 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 observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

ranjan/-

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

