

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15727 of 2017

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Md. Shoaib, Son of late Md. Bashir, Resident of Village- Pipraulia, P.S.-
Ashok Paper Mill, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Food and Civil Supplies Department, Patna
2. The District Magistrate-cum- Collector of the District Collectariat, Darbhanga.
3. The District Supply Officer, Darbhanga.
4. The S.D.O. , Sadar, Darbhanga.
5. The S.D.O. Banipur, Darbhanga.
6. The S.D.O. , Biraul, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate
For the Respondent/s : Mr. Arbind Ujjawal – SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-07-2025

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

“(i) A writ, order and direction in the nature of certiorari for quashing the advertisement and contained as Annexure 1 issued by the District Collector, Collectorate, Darbhanga District Darbhanga as advertisement was published in only the daily news paper but as per clause (9) Sub Clause VIII of Bihar Gazette Asadharan 14th March 2016 in two



daily news paper advertisement must be published as contained in Annexure 3 be issued

(ii) A writ, order and direction in the nature of mandamus directing and commanding respondent authorities to accept the application of these petitioners whose application were rejected after 21.06.2017 in the office of respondent be issued.

(iii) A writ, order and direction directing the respondent authorities to issue corrigendum notice in furtherance of aforesaid advertisement dated 01.06.2017 explaining requirement of persons who are disabled and also to extend the date of submission of application for an appropriate period, be issued.

(iv) A writ, order and direction as the petitioners are entitled to.”

2. The Learned counsel for the petitioner submitted that the respondents invited applications for the grant of a license to operate PDS shops under Darbhanga District, directing



candidates to submit duly filled application forms within the period from 01.06.2017 to 21.06.2017. However, the advertisement inviting such applications was published in the daily newspaper on 02.06.2017, i.e., after the commencement of the application period. It is contended that publishing the advertisement after the commencement of the application period is improper and renders the entire process arbitrary. The advertisement ought to have been issued and published prior to the commencement of the application period. Therefore, the entire process is alleged to be void, illegal, malafide, and without jurisdiction. It is also contended that at least a minimum of one month's time ought to have been granted for submitting applications.

3. Per contra, the learned counsel for the respondents submitted that the advertisement was issued in the year 2017 and the selection process was completed long ago. Therefore, the present writ application has become infructuous. It is further submitted that the petitioner has not



demonstrated that Annexure-1 contains the date of publication in the newspaper, and thus, has failed to substantiate the allegation regarding the timing of the advertisement.

4. Lastly, the Learned counsel for the respondents contended that Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the remedy of appeal and Section 32(vi) for revision and Section 32(vii) provides the remedy of filing a representation before the Principal Secretary. The Petitioner, therefore, has alternative remedies under the said provisions. Sections 32(iii) 32(v), 32(vi) and 32(vii) 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.”

(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.

(vii) The Principal Secretary/ Secretary of the department may call for the records related to the order passed under the provisions of this Order by the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer suo moto or upon a representation by someone, and if he is satisfied that the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer

(a) has exercised such powers which are not entrusted to him,

(b) has exercised his powers illegally without considering



the facts of the case,

(c) has failed in use of his powers, he may pass an order which he thinks fit.”

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

6. The Learned counsel for the respondents submitted that the selection process in question was completed long ago, and the writ application has become infructuous.

7. Considering the aforesaid facts and circumstances and also the fact that PDS shop was allotted to third parties, this writ petition is liable to be dismissed as infructuous.

8. However, if the petitioner has any grievance, liberty is granted to the petitioner to avail the alternative remedy available under the provisions of the *Bihar Targeted Public Distribution System (Control) Order, 2016*. The petitioner can avail his remedy by filing a representation before the concerned authority within a period of one



month from the date of receipt or production of a copy of this order and the concerned authority shall consider and decide the case on merits, without rejecting the representation on the ground of limitation, in view of the fact that this writ application has remained pending since the year 2017.

9. In result, the Writ petition stands disposed off.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	

