

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7826 of 2018

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Roshan Ara wife of Azad Alam, resident of Village- Kuchaidangi, Police Station- Barsoi, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Purnea Division, Purnea.
5. The District Magistrate, Katihar.
6. The Sub- Divisional Officer, Katihar.
7. The Block Supply Officer, Block- Barsoi, District- Katihar.
8. Chandan Mahaldar, son of Kanai Mahaldar, resident of Village- Ghoradihia, Police Station- Barsoi, District- Katihar.
9. Munsher Alam, son of Aftafuddin, resident of Village- Kotra, Police Station- Barsoi, District- Katihar.
10. Pramod Kumar Das, son of Gopesh Chandra Das, resident of Village- Kuchidangi, Police Station- Barsoi, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Rahmatullah, Advocate
For the Respondent/s : Mr. S. Raza Ahmad- AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 27-06-2025

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

“For issuance of writ of mandamus or any other appropriate writ order, direction commanding the respondents authority to select the



petitioner granting licence for P.D.S. Shop who is deserving candidate in terms of advertisement for the same cancelling the selection of the private respondents granting licence for P.D.S. Shop who are inferior candidates than the petitioner in merit as term and condition laid down in the advertisement.

II. For grant of any other relief or reliefs for which the petitioner may be deemed fit and proper in the facts and circumstances of the 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. Section 32(iii) 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.”



3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned District Magistrate, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned District Magistrate to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within four weeks from the date of receipt of this order before the concerned District Magistrate. The delay in filing the appeal shall be condoned by the District Magistrate, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.



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

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2025
Transmission Date	

