

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11199 of 2018

Prabhash Chandra Pathak Son of Hariballabh Pathak Resident of Village-
Hardwar P.O. Pali Ghanshyampur, P.S. and Block- Ghanshyampur, District-
Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department of Food and Civil Supplies and Consumer Protection, Govt. of Bihar, Patna
3. The District Magistrate, Darbhanga.
4. The District Supply Officer, Darbhanga.
5. The Sub-Divisional Officer, Biraul, Darbhanga.
6. The District Selection Committee through the District Supply Officer, Darbhanga.
7. The Assistant Supply Officer, Biraul Sub- Division, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur, Adv.
For the Respondent/s : Mr. Arvind Ujjwal SC-4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 31-07-2025

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

*I. For declaration of
petitioner as selected candidate
and I ssue of license of
running and operating Public
Distribution shop (in short PDS)
for the same area Gram*



*Panchayat Brahmpura,
Maswasi.*

II. For any other relief/reliefs for which the petitioner found entitled to 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 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 representation 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 representation, 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 representation 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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.08.2025
Transmission Date	

