

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13956 of 2018**

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Sri Keshwar Ram Rajak @ Sikeswar Rajak S/o Late Bira Rajak, Resident of Mohallah- New Area Dhobi Mohallah, Nawi Nagar Panchayat, P.O.- Navi Nagar, P.S.- Navi Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna
2. The District Magistrate, Aurangabad.
3. The Sub-Divisional Officer Cum Licensing Authority, Aurangabad.
4. The Block Supply Officer, Barun, Aurangabad.
5. The Block Supply Officer, Nabinagar, Aurangabad.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate  
For the Respondent/s : Mr. Arvind Ujjwal-SC 4

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

**ORAL JUDGMENT**

**Date : 08-07-2025**

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

“(i) For issuance of a writ in the nature of a writ of certiorari quashing the order dasted 09-01-2018 passed by the respondent No.-2 i.e. the District Magistrate, Aurangabad in PDS Appeal No.-24/2017 whereby and wherein he has dismissed the appeal of the petitioner finding no infirmity in the order dated 13.06.2017 of the respondent No.-3 i.e. the SDO Cum Licensing Authority,



Aurangabad in Misc. (Supply) Case No.-23/2017.

(ii). For issuance of a writ in the nature of a writ of mandamus commanding the respondent authorities especially the respondent No.-3 not to take coercive measure of cancellation of license No.-04/N/91 of the petitioner in view of the fact that none of the charges leveled against the petitioner can be substantiated and corroborated in the way they have been shown to be proved without any adverse material or any incriminating document or any complain from any quarter and mere the version of the respondent No.-4 without any proper enquiry as is evident from the enquiry report dated 10.05.2017 can not be held to be true inflicting the most coercive measure of outright cancellation of his PDS license without any valid reason.

(iii) For holding that the alleged inspection made by the respondent No.-4 i.e. the Block Supply Officer(here-in-after BSO) Barun, Aurangabad is illegal in view of transgression of jurisdiction particularly when the BSO, Nabinagar Aurangabad under whose jurisdiction the PDS shop of the petitioner is situated and as such the



report dated 10.05.2017 of BSO, Barun, Aurangabad stands vitiated on sole ground of transgression of jurisdiction and that too with ill motive and for certain vested considerations otherwise the report dated 10.05.2017 is self-explanatory with admittance that nothing adverse or incriminating has been found or seized during the alleged inspection of the respondent No.-4.

(iv) For holding when the inspection report dated 10.05.2017 itself mentions in every column that the PDS Shop of the petitioner was found closed at time of his inspection on 10.05.2017 then obviously the charges/allegations made against the petitioner has no material basis and the same is the brainchild of the respondent No.-4 to favour the PDS shopkeeper of his own choice in the garb of these baseless and false and non-existent allegations merely with a view to justify his wrong doings.

(v) For holding that the respondent No.-3 i.e. SDO Cum Licensing Authority has also passed his mechanical order dated 13.06.2017 in Misc Case (supply) No.-23/2017 in a mechanical manner by giving the explanation /



reasoning for holding charges to be proved without any material basis as a patch up work lacking judicial acumen as well as without giving opportunity of personal hearing to the petitioner to explain the exact state of affairs and the contents and nature of the order dated 13.06.2017 of the respondent No.-3 leaves no iota of doubt that the alleged inspection and consequential report of the BSO, Barun and further proceeding ultimately resulting into the cancellation of PDS license of the petitioner has been done in collusion and under influence of local dirty politics.

(vi) For holding that even the District Magistrate, Aurangabad has not entertained the Appeal No.-24/2017 in right perspective and has merely concurred with the charges/allegations without any substantiating materials on record and has confirmed the order dated 13.06.2017 of the respondent No.- 3 with the stroke of a pen which shows that in spite of being the appellate authority he didn't even bother to have a prima facie look into the alleged charges/allegations shown to be proved without any material basis ultimately causing irreparable damage to the livelihood of the petitioner.



(vii) For any other relief/(s) applicable in the facts and circumstances of the case.”

2. At this juncture, the Learned counsel for the respondents contended that Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of revision. Section 32(v) and (vi) read as follows:

“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, the present case is filed against the order of District Magistrate in PDS



Appeal No. 24 of 2017 dated 09.01.2018.

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

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

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/-

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