

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17283 of 2018

Pratima Pandey Wife of Deepak Pandey, Resident of Village P.O. Bighor Hat,
P.S. Barsoi, District Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Katihar.
3. The District Supply Officer, Katihar.
4. The District Co-operative Officer, Katihar.
5. The District Program Officer, Katihar.
6. The Sub-Divisional Officer, Barsoi.
7. Khusboo Khatoon, Wife of Hamidurrehman, Resident of Village-Khizan,
Panchayat Bihgor Hat, Ward no.3, P.S. Barsoi, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Avinash Shekhar, Adv.
For the Res. No. 7	:	Mr.Bhola Prasad, Adv.
For the Respondent/s	:	Mr.Arvind Ujjwal-SC4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 23-07-2025

1. The Writ petition is filed for the following
reliefs:-

*i) To issue an appropriate writ,
order or direction in the nature of
certiorari for setting aside the portion
of the decision of the District Level
Selection Committee, Katihar dated
18.12.2017, whereby and where under
the District Level Selection Committee,*



Katihar rejected the Petitioner's application for grant of license to run fair price shop in Panchayat Bighor Hat, Block Barsoi, District Katihar and has granted the same to Respondent no. 7.

ii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondent no. 6 to grant a license to the Petitioner to run fair price shop in Panchayat Bighor Hat, Block Barsoi, District Katihar.

iii) This Hon'ble Court may adjudicate and hold that a license for fair price shop could not be granted to Respondent no. 7 in unreserved category since she had specifically applied under the backward class category.

iv) This Hon'ble Court may further adjudicate and hold that the Petitioner's application for grant of license of fair price shop could not be rejected by the Respondent authorities on ground that the distance between the proposed location of the shop and existing PDS shop is less.

v) This Hon'ble Court may award the cost of litigation and suitable



compensation to the Petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.

vi) To grant any other relief or reliefs which the Petitioner may be 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 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.

5. 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 four weeks 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.

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)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.07.2025
Transmission Date	

