

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19282 of 2018

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Miraj Alam S/o Md. Jalaluddin, Resident of Village-Yusuf Tola Par Diyara,
P.S.-Amdabad, District-Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chairman, District Level Selection Committee, District-Katihar.
3. The Collector-Cum-District Magistrate, Katihar.
4. The District Supply Officer, Katihar.
5. The Sub Divisional Officer, Manihari, Katihar.
6. The Block Supply Officer, Manihari, Katihar.
7. Abbu Tahir, S/o Md. Nijamuddin, Resident of Village-Subedar Tola Par Diyara, P.S.-Amdabad, District-Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Respondent/s : Mr.Arvind Ujjwal-Sc4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 30-07-2025

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

1. That the present writ application is being filed on behalf of the sole petitioner above named for quashing the selection of respondent no. 7 as PDS dealer for Par Diyara Panchayat under



General Category of Manihari Sub Division whose name stands at Sl. No. 10 of the selection committee list issued by District Supply Officer, Katihar and further be pleased to direct the authorities to appoint the petitioner as PDS dealer in Par Diyara Panchayat under General Category in the Sub Division of Manihari because the candidature of petitioner has been rejected only on the ground that he is lesser marks than the respondent No. 7 without assigning any reason rather the respondent No. 7 is resident of Ward No. 9 and the PDS Shop has allotted for the beneficiaries of ward No. 11, 12 and 13 but the selection Committee recommended the license to respondent No. 7 and in that ward his cousin Abdul Karim runs a PDS Shop itself and his cousin uncle Md. Dulal is ward member of said ward but the authority concern ignoring all these facts rejected the claim of this petitioner and be further pleased to direct the



respondent concern to produce the said selection list before this Hon'ble court and quash the same because the petitioner has not got the copy of entire selection list.

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)

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

