

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25065 of 2018

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Manoj Kumar Sah Son of Sri Brahmdeo Sah, Resident of Village- Katabari,
P.O.- Mohabba, P.S.- Dandari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Collector, District- Begusarai.
3. The Sub Divisional Officer, Baina, District- Begusarai.
4. Purushottam Kumar, Son of Sri Jay Prakash Sah, Resident of Village- Katabari, P.O.- Mohabba, P.S. Dandari, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bimal Kumar Jha, Advocate
For the Respondent/s : Mr.S.Raza Ahmad, Advocate

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

Date : 21-08-2025

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

*“For quashing the Notice dated
16/11/2018 issued under the
signature of Respondent No. 3 by
which respondent No. 4 has been
selected as the Retailer of Public
Distribution System in Katahari
Panchayat of Dandari Balia Block
within-Balia Sub Division of District-
Begusarai.*

*II)For directing consequently to
appoint the petitioner as the Retainer*



of Public Distribution System of Katahari Panchayat in Dandari Block in Balia Subdivision of District Begusarai for which he has also one of the five persons as Applicant.

III) For any other relief or reliefs for which the petitioner may be found entitled.”

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 complaint/application 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 complaint/application, the Writ petition is disposed of with a direction to the petitioner to file complaint/application within one month from the date of receipt of this order before the concerned authority. The delay in filing the complaint/application 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)

ranjan/-

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

