

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7875 of 2019

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Sumit Baitha son of Mahendra Baitha resident of Village - Bhaluahi, Ward
No. 12, P.S. - Ghorashan, P.O. - Wadmava, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Food and Civil Supply Department, Bihar, Patna.
3. The District Magistrate, East Champaran.
4. The Sub-Divisional Magistrate, East Champaran, Mothihari.
5. The Distt. Supply Officer, East Champaran.
6. The Senior Additional Collector, East Champaran.
7. The Sub-Divisional Officer, Chakia, District - East Champaran.
8. The Sub-Divisional Officer, Areraj, District - East Champaran.
9. The Sub-Divisional Officer, Sikrahna, Dhaka, District - East Champaran.
10. The Sub-Divisional Officer, Raxaul, District - East Champaran
11. The Sub-Divisional Officer, Pakridayal, District -East Champaran
12. The District Cooperative Officer, East Champaran.
13. Chanda Kumari daughter of Prince Kumar resident of village - Kashaba
kadaba, P.S. - Ghorasahan, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate
For the Respondent/s : Mr.S.Raza Ahmad (Aag5)

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

Date : 23-09-2025

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

*“1. For issuance of writ in the
appropriate nature for quashing for the
Resolution dated 2.11.2018 up to the
extent of Respondent no. 13 who has*



been selected as the public Distribution System Dealer by the Selection committee for the area Kadamba gram Panchayat without considering that the petitioner having higher qualification, percentage of marks and old aged in respect of respondent no. 13 which is illegal.

II. For further direction to the Respondents authority to issue a selection letter of public Distribution system dealer to the Petitioner as the Petitioner having higher percentage of marks etc and his name was placed at serial no. 7 in the merit list.

III. For further direction to the Respondents authority to dispose of the representation of the petitioner dated 04.01.2019 by reasoned and speaking order within time framed.

IV. And for any other relief/relies for which the petitioner is found to be entitled in the eye of law.”

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 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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.09.2025
Transmission Date	N/A

