

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9242 of 2019

Shiv Shankar Kumar S/o Bilash Ram Vill.- Sishani Chakari Tola, Ward No. 19, P.s.- Pakaridayal, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, State of Bihar
2. The District Magistrate Motihari East Champaran cum Chairman District Selection Committee Motihari East Champaran
3. The S.D.O. Pakaridayal East Champaran cum Member B.S.C. Motihari
4. The District Supply Officer Motihari East Champaran cum Member D.S.C. Motihari
5. The Senior Dy. Collector Motihari cum member D.S.C. Motihari East Champaran
6. The S.D.O. Chakiya Arerag Sikharahann Raxayl cum member D.S.C. Motihari East Champaran
7. Shashi Bhushan Kumar S/o Ram Narayan Vill.- Sisahari Chakai Tola ward no. 19 P.s.- Pakridayal, East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-09-2025

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

"1. For issuance of appropriate writ order of direction to the respondent to issue final list of granting license to to PDS system of Block Pakaridayal, Sisahani petitioner and he has high marks in B.A. examination with computer trained said but



prepared by S.D.O. Pakaridayal, and it is further prayed to stay grant of P.D.S. License of Sisahari Panchayat till final outcome inquiry and jurisdiction of the case and for grant of all consequential benefits.

II. It quashed to the District Selection Committee, East Champaran Motihari on dated 27.11.2018 by which respondents no. 2 has been selected for P.D.S. License in Panchayat Sisahaui Pakaridayal.

III. It further prayed to inquiries to certificate of the Respondent no. 7 he has selected in P.D.S. License to forge certificate of P.G. he is not done in P.G.

IV. That issued of any other relief/reliefs of your Lordship may deem fit and proper for end of Justice.”

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)

AMANDEEP/-

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

