

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7553 of 2019

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Rinku Devi W/o Sri Shambhu Jha R/o- Pacharhi, P.O.- Gurmaha, Panchayat,
Pandaul Purvi, Ward No. 4, P.S. Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. Divisional Commissioner, Darbhanga.
3. The District Magistrate, Madhubani.
4. The District Food Supply Officer, Madhubani.
5. Sub Divisional Officer, Madhubani.
6. Dashrath Jha Son of Pitamber Jha Resident of Village- Pachadhi, P.S. Pandaul, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Shankar Das
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

Date : 16-09-2025

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

"I. To direct the Respondents to select the petitioner as PDS Dealer of Ward No. 14 of Pandaul Purvi Panchayat under Pandaul Block of Madhubani District in which various irregularities found in selection of PDS, Dealer.

II. To quash the selection of Respondent No. 6 who has been illegally selected whenever the petitioner belongs



to reserve category of Mahila, where her husband is also hadicapped and applied for license of PDS dealer. The respondent No. 6 has been illegally selected and license has been granted for the said panchayat for which the petitioner is only lady candidate for the said panchayat and fully entitle for the PDS, dealer.

iii. To direct the state machinery/respondents to hold enquiry where various irregularities committed in selection of PDS dealer and further to cancel the license of Respondent No. 6 who by illegal means obtained PDS license and the candidate of other area. It is further to conduct enquiry in detail where without application from back door, S.D.O Madhubani selected and granted license to Respondent No. 6 whenever the father of Respondent No. 6 is a PDS licensee and PACKS, adkshya whenever the seat was reserved for family candidate.

iv. Any other relief or reliefs as your Lordships may deem fit and proper 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 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 four 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	18.09.2025
Transmission Date	N/A

