

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9322 of 2019

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Raj Kumar gupta @ Rajeev Kumar Gupta Son of late Sudama Bhagat
Resident of Village- Pachkathiya, P.S. Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Bhagalpur.
3. The District -Cum-Chairman District Selection Committee, Bhagalpur.
4. The S.D.O. Sadar, Bhagalpur.
5. The District Supply Officer, Shahkund, Bhagalpur.
6. The Block Devevelopment Officer(BDO) Shahkund, District- Bhagalpur.
7. The Block Supply Officer Shahkund, Bhagalpur.
8. Rajesh Kumar Das Son of Kishun Das Resident of Village - Pachkathiya, P.S. Shahkund, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-09-2025

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

“(i) For issuance of a writ of certiorari or any other appropriate writ order or direction for quashing the issuance of license of P.D.S. dealer in favour of the private respondent with respect to Amba Gram Panchyat at sl.no.120 who has illegally been



appointed by the concerned authorities on 27.02.2019 against the roaster as the seat was reserved for Schedule caste women bearing roaster no.698.

(ii) For issuance of a writ of mandamus or any other appropriate writ order or direction commanding the respondents authorities to issue the P.D.S. license as per the roaster in the Gram Panchayat Amba Block Shahkund, District Bhagalpur as due to selection of private respondent against the roaster a Schedule caste women has been deprived from her right.

(iii) For issuance of writ of mandamus or any other appropriate writ order or direction commanding the respondents authorities to republish for issuance of P.D.S. license with respect to Amba Gram Panchyat as so many matriculation Schedule caste women are available in the concerned Gramn Panchyat.

(iv) For issuance of writ of mandamus or any other



appropriate writ order or direction for grant of ad-interim stay in issuance of P.D.S. license in the Gram Panchyat Amba Block Shahkund District Bhagalpur during the pendency of this writ application.

(v) For any other relief for which the petitioner may be found 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. It is the specific contention of the Learned counsel for the petitioner that the petitioner has already filed a representation before respondent No. 2, i.e., the Collector-Cum-District Magistrate, Bhagalpur, challenging the selection of the private respondent No. 8 on the ground that



the PDS dealership was reserved for Schedule Caste woman.

4. 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 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	

