

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7787 of 2019

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Mamata Bharati Wife of Nand Kishor Yadav Resident of Village-Piprahi, P.S.-
Laukahi, District-Madhubani, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate-cum-Chairman Selection Committee, Madhubani.
4. The Sub-Divisional Officer, Phulparas, Madhubani.
5. The District Supply Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Giri, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-09-2025

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

“For issuance appropriate
writ, order or direction for
commanding upon the respondents
to finally select and allot license to
the Petitioner for running a PDS shop
against vacancy falling under
roaster/roaster point 312 of Laukahi
Panchayat, Block- Laukahi, District-
Madhubani, which after introduction



of 35% reservation to women by the state of Bihar became exclusively reserved for women belonging to backward class. This is further to hold and declare that postponement of Petitioner's selection till review of license of one PDS Licensee Maniram Yadav by the Sub-Divisional Officer, Phulparas, Madhubani in light of setting aside of license cancellation order by the District Magistrate, Madhubani is illegal and invalid and thus not operative 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 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 observations, the Writ petition shall stand 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	NA
Uploading Date	22.09.2025
Transmission Date	

