

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8639 of 2019

Vishwakarma Jivika Swyam Sahayata Samooh through its Member namely Sonam Priya, Gender - Female, aged about 24 years, Wife of Pankaj Jha, resident of Village- Bariyarpur, Police Station - Bibhutipur in the district of Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
3. the District Magistrate - cum- Chairman, District Selection Committee, Samastipur.
4. The District Supply Officer, Samastipur
5. The Sub - Divisional Magistrate, Rosera in the district of Samastipur.
6. The Block Marketing Officer, Bibhutipur, Samastipur.
7. Mamta Kumari wife of Randhir Ram, resident of village - Dih Tabka, Police Station - Bibhutipur in the district of Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil 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. To quash the minutes of the meeting dated 14.2.2019 of District Selection Committee, Samastipur only to extent by which respondent no.7 namely Mamta Kumari has been selected as P.D.S. Dealer for Khas Tabka North Gram Panchayat under



Bibhutipur Block in the district of Samastipur.

II. Also to direct the respondents to grant license for P.D.S. Dealer under Khas Tabhka North Gram Panchayat under Bibhutipur Block in the district of Samastipur to the petitioner as the name of the petitioner was at Serial No.1 in the Provisional Merit list prepared by the respondent authorities for P.D.S. Dealership under Khas Tabhka North Gram Panchayat.

III. Also to restrain the respondents authorities from issuing the license for P.D.S. Dealer in favour of respondent no.7.

IV. Also to direct the respondents for any other relief/reliefs 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 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)

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

