

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9055 of 2019

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Shambhu Kumar Safi S/o Rajeshwar Safi R/o Village-Jhitki, Panchayat-Bangama Dakshin Ward No. 11, Sub-Division-Phulparas, P.S.-Laukahi, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food Supplies and Consumer Protection, Government of Bihar, Patna, P.S.-Sachiwalaya, District-Patna
2. The Commissioner, Darbhanga P.S.-Town, District-Darbhanga
3. The District Magistrate, Madhubani P.S.-Town, District-Madhubani
4. The District Supply Officer, Madhubani P.S.-Town, District-Madhubani
5. Block Supply Officer, Khutauna P.S. Khutauna, District-Madhubani
6. District Relationship Officer, Madhubani P.S.-Town, District-Madhubani
7. Sub-Divisional Officer, Phulparas P.S.-Fulparas, District-Madhubani
8. Manoj Kumar Safi S/o Ram Dev Safi R/o Village-P.S.-Laukahi, District-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar
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 of writ of mandamus and any other appropriate writ/writs, order/orders or direction/directions to the respondents - authorities to set aside the merit list prepared on



21.8.2018 by the selection Committee in Phulparas Sub-Division of Madhubani District and be further pleased to direct the competent and independent authority to made an enquiry with respect to selection of P.D.S. dealer conducted in the year 2018 in Phulparas Sub-Division, District-Madhubani in the light of advertisement (Annexure-P/1) and Cancel the selection of P.D.S. Dealer i.e. Private Respondent no. 8, who has been selected by making irregularities and committing inequality among the candidates in selection Process and adopted pick & Chose method by side tracking all norms of selection process of advertisement and any other relief/reliefs as your lordship may deem fit and proper the larger interest of natural 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 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	

