

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11105 of 2019

Kiran Devi Daughter of Satish Chandra Mandal and Wife of Suresh Mandal
Resident of Village and P.O.- Kachahari Balua, Police Station- Sarsi, District-
Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
2. District Magistrate and Collector Purnea, District- Purnea.
3. Sub- Divisional Officer-cum- Licensing Authority Banmankhi, District- Purnea.
4. Block Supply Officer Banmankhi Block, District- Purnea.
5. Kamal Kishore Mandal Son of Jagdish Mandal Presently residing at Gamla Tola under kachahari Balua Gram Panchayat, P.O.- Kachahari Balua, Police Station- Sarsi, District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gyanand Roy, Advocate
For the Resp. No. 5	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr.S. Raza Ahmad (Aag 5)

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

Date : 15-10-2025

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

“1. For quashing the select list of the Public Distribution System (hereinafter referred to as the ‘P.D.S.’) dealer dated 29.09.2018, published under Extremely Backward Category of the Kachahari Balua Gram Panchayat, as contained in Annexure-P/1 to this writ application, by which private respondent



No 5, Kamal Kishore Mandal has wrongly and illegally been selected for being appointed as P.D.S. dealer under Extremely Backward Class of the Kachahari Balua Gram Panchayat ignoring the rightful claim of the petitioner and the licensing authority was directed to issue license under P.D.S. (Control) Order 2016 to private respondent No. 5, Kamal Kishore Mandal after verification and being satisfied (after examining all the papers).

II. For quashing the P.D.S. License No. 19/2018/ issued by the Sub-Divisional Officer, Banmankhi-cum-Licensing Authority under the Bihar Targeted P.D.S. (Control) Order 2016 of the P.D.S. dealer for Kachahari Balua Gram Panchayat, as contained in Annexure-P/2 to this writ application.

III. For holding that the respondent No. 5, Kamal Kishore Mandal being the permanent resident of Village & P.O.-Paikpar, P.S.- Bhargama under Forbesganj Sub-Division in the district of Araria has wrongly and illegally been selected and appointed as P.D.S. dealer for Kachahari Balua Gram Panchayat in preference to the petitioner, who is



resident of Village & P.O.-Kachahari Balua, Police Station – Sarsi, District Purnea and belongs to Extremely Backward Class has superior claim for being selected and appointed as P.D.S. dealer under Extremely Backward Class category under Kachahari Balua Gram Panchayat, but her rightful claim has wrongly and illegally been denied by the official respondents in preference to respondent No. 5, Kamal Kishore Mandal.

IV. For grant of any such other relief or reliefs for which the petitioner is found to be entitled 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 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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	N/A

