

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9999 of 2019

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Ghanshyam Kumar Son of Late Rama Nand Mehta Resident of Village-Bishanpur, P.O.-Thardhi Bhawanipur, P.S.-Pipra Bazar, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Level Selection Committee through its Chairman, the District Magistrate, Supaul.
5. The District Magistrate, Supaul.
6. The District Supply Officer-cum-Secretary, District Level Committee, Supaul.
7. The Sub-Divisional Officer, Sadar, District-Supaul.
8. The Block Supply Officer, Pipra, District-Supaul.
9. Meena Devi W/o Sri Phul Kumar Mehta Resident of Village-Bishanpur, P.O.-Thardhi Bhawanipur, P.S.-Pipra, District-Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

Date : 16-10-2025

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

“I. To issue a writ in the nature of certiorari setting aside the recommendation at Serial No. 12 by Screening Committee/ Selection Committee dated 31.10.2018 contained in Memo No. 917-2 issued by the District



Officer, Supaul cancelling the selection of petitioner as P.D.S. dealer at roaster point-113 and on the other hand selecting Meean Devi 'Chairman Jeevika Gram Sangathan" village-Bishanpur, Panchayat-Thardhi Bhawanipur, Block-Pipra, District Supaul with further prayer to quash/set-aside rejection of selection of petitioner at serial No.21 of said resolution on the ground that Meena Devi is Matriculate and Chairman of Self help group, has to be selected.

II. To issue a writ in the nature of certiorari setting aside the P.D.S. dealership licence of Respondent No.9 Meena Devi issued in pursuance to decision of selection committee dated 31.10.2018 contained in Memo No. 917-20 (Annexure-7).

III. A mandamus directing and commanding the Respondents to issue P.D.S. dealership licence in favour of the petitioner.

IV. Any other relief or reliefs, writ or writs, direction or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances may also be granted."



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 two months 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	18.10.2025
Transmission Date	N/A

