

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8255 of 2019

Kavita Kumari W/O Ashok Prasad Yadav, resident of village- Shiv Nagar
Panchayat Halimpur, Block- P.S.- Sahebganj, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal, Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna
2. The District level selection Committee, through its Chairman cum collector, Muzaffarpur
3. The District Supply Officer, Muzaffarpur.
4. The Sub Divisional Magistrate, West Muzaffarpur.
5. The Block Supply Officer, Sahebganj,
6. Kaminee Kumari, D/O Rakesh Kumar, resident of village-Karnaul, block-Sahebganj, Dist.- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kishore Shahi, Adv.
For the Respondent/s	:	Mr. S.Raza Ahmad (AAG-5)
		Mr. NK Agarwal, Sr. Adv.
		Mr. Rakesh Ranjan, Adv.

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-10-2025

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

*“That this is an application for
issuance of a writ in the nature of
mandamus for directing to the
respondnet No. 2 District Level Selection
Committee to select the petitioner in
place of respondent No. 6 Kaminee
Kumari. Petitioner is the senior in all
respect to the said Kaminee Kumari it
reveals from the Annexure-6 to this
application.*



It is further prayed to direct the respondent authority to stay the further proceedings of recommendation of respondent No. 2 District Selection Committee dated 09.03.2009 with regard to selection of the PDS dealer of the said Panchayat (Halimpur)

It is also prayed to direct the authority to issue selection list of PDS dealer of Halimpur Panchayat in favour of the petitioner in view of Annexure-6 to this application.

It is also prayed to quash the recommendation of the selection of respondent No. 6 of Halimpur Panchayat on 09.03.2019 by the respondent No. 2”

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.10.2025
Transmission Date	

