

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8933 of 2019**

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Smt. Menka Kumari W/o Sri Umesh Kumar R/o Village-Narayanpur, P.S.-  
Pupri, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The District Magistrate, Sitamarhi
3. The Sub-Divisional Officer cum Licensee Officer Pupri, Sitamarhi
4. The Block Supply Officer Pupri, Sitamarhi
5. Smt. Sangeeta Kumari W/o Sri Ranjeet Kumar R/o Village-Narayanpur, P.S.- Pupri, Distt-Sitamarhi

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Jai Prakash Verma, Adv.  
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**

**ORAL JUDGMENT**

**Date : 22-09-2025**

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

*“For issuance of an appropriate writ or writs, order or orders, direction or directions in the nature of certiorari to terminate the respondent no.5 from the post of P.D.S. Dealer selected under Public Distribution System(Control) Order, 2016 in Gram Panchayat Raj Balha Maksudan, Block-Pupri, Distt-Sitamarhi as she is owner of Flour Mill and further prayer for a direction to the*



*respondents to appoint the petitioner to the post of PDS Dealer in place of respondent no.5 under Gram Panchayat Raj Balha Maksudan. Block-Pupri, Distt-Sitamarhi. And for the other necessary relief or reliefs for which the petitioner is entitled to in accordance with 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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| Uploading Date    | 24.09.2025 |
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