

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12432 of 2019

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Sangita Kumari Wife of Sri Subodh Kumar Resident of Village- Laxminiya,
P.O.- Hardi, P.S.- Supaul, 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 Supaul, District- Supaul.
9. Puja Kumari Wife of Sri Manoj Kumar Resident of Village- Laxminiya, P.O.- Hardi, P.S.- Supaul, District- Supaul.
10. Meena Kumari Wife of Subhash Kumar Resident of Village- Choughara, P.O.- Hardi, P.S.- Supaul, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-10-2025

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

“(A) To issue a writ in the nature
of certiorari setting aside the resolution
No.17 dated 25.10.18 adopted by
Selection Committee cancelling the



selection of petitioner as P.D.S. dealer at roster point no. 63 and on the same time selecting Respondent No.10 Meena Kumari on the ground that she is physically handicapped.

(B) To issue a writ in the nature of mandamus commanding/directing the Respondents to allot P.D.S. dealership licence of petitioner either at roster point of 61 (unreserved female) or roster point no. 63 unreserved under Hardi East Gram Panchayat, Block + District-Supaul.

(C) 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 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	15.10.2025
Transmission Date	

