

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11177 of 2019

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Kabita Devi @ Kabita Kumari W/o Saroj Singh Resident of Village-
Marpatahir, Police Station-Bairgania, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Food and Supply Department, Govt. of Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Sitamarhi.
5. The District Supply Officer District Sitamarhi.
6. The Sub-Divisional Officer, Sadar, Sitamarhi.
7. Kiran Kumari W/o Shyam Babu Singh Resident of Village-Marpatahir,
Police Station-Bairgania, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Respondent/s : Mr.S. Raza Ahmad (Aag 5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-10-2025

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

“(i) For issuance of a writ in the
nature of certiorari to quash memo
no.11 dated 7.9.2018 issued under
signature of District Magistrate,
Sitamarhi-cum-President of Selection
Committee with regard to licence issued
in favour of respondent no.7 (as
contained in Annexure-5) to the writ



petition whereby and whereunder the licence of PDS dealer has been issued in favour of respondent no.7 for the Panchayat Raj Patahi on unreserved category roaster point no.17 Block Bairgania, Sub-Division-Sadar Sitamarhi, District-Sitamarhi stating therein that the respondent no.7 has obtained higher merit marks under her qualification and marks obtained in academic education.

(ii) For issuance of a writ in the nature of certiorari to quash merit list (Annexure-4) with regard to the petitioner and respondent no.7 published by the Sub-Divisional Officer Sadar, Sitamarhi for the Block Office Bairgania in which the educational qualification of the petitioner has wrongly shown Intermediate instead of graduation for selection of PDS shop keeper and issuing the licence of PDS shop keepers.

(iii) For issuance of a writ in nature of mandamus directing and commanding the respondent/licencing authority to issue licence of Public Distribution System (PDS) shopkeepers for roaster point no.17 village Marpatahir



under Panchayat Patahi Block Office-Bairgania, District-Sitamarhi.

(iv) For any other relief/reliefs to which the petitioner may be entitled to.”

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	09.10.2025
Transmission Date	

