

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9203 of 2019

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Sikendar Baitha S/o Kishun Baitha, Resident of Village- Phenhara Ward No.12, P.S. Phenhara, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Motihari East Champaran cum Chairman District Selection Committee, Motihari.
3. The S.D.O. Pakaridayal, East Champaran cum Member D.S.C. Motihari.
4. The District Supply Officer, Motihari East Champaran cum Member D.S.C., Motihari.
5. The Senior Dy. Collector Motihari cum Member D.S.C. Motihari.
6. The S.D.O. Chakiya Aeraj Sikharahana Raxaul cum Member D.S.C. Motihari.
7. Moun Kumar S/o Vijay Baitha Resident of Village- Penhara Ward No.12, P.S. Phenhara District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 23-09-2025

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

“I. For issuance of appropriate writ order a direction to the respondent to issue final list of granting license to P.D.S. system of Block Phenhara. Anumandal Pakaridayal Panchayat Phenhara (Roster 263,265) verifying claim of petitioner and he has more



marks in matriculation examination with computer trained. But S.D.O. Pakaridayal published list of candidates on basis marks in intermediate Examination and B.A. It is further prayed to publish list of successful candidates as per terms and advertisement and stay P.D.S license Phenhara Panchayat till final decision of this case and for grant of all consequential benefit.

II. It is further prayed to quash to order of District Selection Committee presided by D.M. Motihari Cum president has not considered the selection list prepared by selection Committee East Champaran Motihari on dated 8.8.2016 by which respondent no. 5 has been selected for P.D.S license in Phenhara Panchyat (Roster 263 265) through he has lessees marks in metric.

III. For issue of any order relief/reliefs as your lordships may deem fit and proper for ends of justice.”

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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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.09.2025
Transmission Date	N/A

