

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9469 of 2019

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Binod Kumar S/o Late Budhu Prasad Yadav @ Budhu Yadav R/o Vill Gohara,
P.O. Dumari Chatti, P.S. Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. The Sub-Divisional Officer, Sadar Gaya, Distt.-Gaya
5. Arvind Kumar S/o Dev Nandan Prasad Yadav Resident of Donaiya, P.O. Katara, P.S. Fatehpur, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Adv
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-10-2025

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

"1. For issuance of an appropriate writ/writs, order/orders or direction/directions to the Respondent authorities to consider the case of the petitioner and to allow application for grant for license of Public Distribution System in his favour because petitioner has fulfilled all the criteria for the same which was advertised by the SDO, Sadar, Gaya in Advertisement No. 01/2017 in the light of Memo no. 963 dated 20/01/2016, memo No. 2342 dated 15/02/16 and, letter No. 1222



dated 8/03/17 of Food and Civil Supply Department, Bihar, Patna (Annexure-3).

II. For a direction to the respondent authorities to cancel the selection of license according to the list prepared and accordingly one Arvind Kumar (name stand at Sl. No. 1) who having 71.80% marks including ADCA Qualification of computer (Annexure-2 series) was selected for obtaining license of PDS is a complete violation of the Public Distribution System (Control) Order, 2016.

III. Any other order or orders to which petitioner is legally 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 two 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)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025.
Transmission Date	

