

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9618 of 2019

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Md. Akbar Son of late Md. Sakur Resident of Ward No. 5, Azamgarh Nagwan
Tola Jagdishpur, Post Office and Police Station- Sitamarhi, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department,
Government of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Sub-Divisional Officer, Sadar Sitamarhi.
4. The Sarpanch, Gram Katchahari Azamgarh, Block- Dumra, District-
Sitamarhi.
5. Ram Babu Sah, Pax Chairman, Panchayat Azamgarh, Block Dumra,
District- Sitamarhi.
6. Ram Pravesh Sah, Pax Secretary, Panchayat Azamgarh, Block-Dumra,
District- Sitamarhi.
7. Sanjiv Kumar, Son of Ram Pravesh Sah, Resident of Ward No. 5, Azamgarh,
Panchayat Azamgarh, Police Station- Dumra, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

Date : 16-10-2025

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

*"1. For issuance of writ in the
nature of Mandamus seeking direction to
respondent to modify and republish the
result of grant of licence for running Fair
Price Shop at Centre No. 354, Panchayat
Azamgarh in village Sheohar in which
petitioner has been placed at serial No. 2*



in merit list illegally when he secured higher marks than the candidate who was placed at serial No. 1 but respondent illegally without adding the marks of gradation examination published the said result.

II. For issuance of appropriate writ in the nature of Mandamus seeking direction to respondent to consider the objection raised by petitioner and also the marks sheet of his Graduation Examination which was submitted by him within time just after publication of result but respondent illegally did not consider the same only for grant of benefit of one Sanjiv Kumar who is son of Secretary of PAX.

III. For any other relief or reliefs for which petitioner is entitled for.”

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 months 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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.10.2025
Transmission Date	N/A

