

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9274 of 2019

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Saryug Mukhiya S/o Gangai Mukhiya R/o Village-Birpur, Ward no. 03, Post-Banki, P.S.-Madhepur, District-Madhubani, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply Department, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector Madhubani
3. The Sub-Divisional Officer Jhanjharpur

... .. Respondent/s

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Appearance :

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

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

Date : 23-09-2025

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

"I. For issuance of writ in the nature of mandamus directing the respondent specially the Sub Divisional officer, Jhanjharpur, who is the licensing authority to issue license under the Bihar Public Distribution System to the petitioner as the petitioner in pursuance to the advertisement issued for selection as a PDS dealer was duly selected by the selection committee and his name appears to be at serial no. 2 in the merit list inspite of the same he has not been



granted the license under the Bihar Distribution System for the reasons best known to the respondent authorities.

II. For issuance of writ in the nature of declaration holding the action of the respondent S.D.O. is wholly arbitrary, illegal, unjustified and unreasonable as neither justifiable reason as such has been assigned by him for non-issuance of PDS license to the petitioner as also the merit list has been duly verified by the superior authority i.e. the District Magistrate, Madhubani and inspite of the same the license under the Bihar Public Distribution System has not been issued.

III. For issuance of writ in the nature of certiorari for quashing of the impugned order passed by the respondent SDO, Jhanjharpur, without affording any opportunity of being heard to the petitioner and cancelling the application for PDS license of the petitioner vide order dated 25/02/2019.

IV. For any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the present case.”



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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.09.2025
Transmission Date	N/A

