

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10483 of 2019

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Ajay Kumar S/o Shankar Prasad Gupta Vill. and P.o. and Panchayat- Bairia,
P.s.- Mali, Block- Nabinagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food Supplies and Consumer Protection Department, Govt. of Bihar, Patna
2. The Principal Secretary Food Supplies and Consumer Protection Department, Govt. of Bihar, Patna
3. The District Magistrate Aurangabad, Bihar
4. The District Supplies Officer Aurangabad, Bihar
5. The Sub-Divisional Officer Aurangabad, Bihar
6. The Sub-Divisional Officer Daudnagar, Aurangabad, Bihar
7. The District Co-operative Officer Aurangabad, Bihar
8. The District Welfare Officer Aurangabad, Bihar
9. The Executive Engineer Public Health Engineering Division, Aurangabad, Bihar
10. The Circle Officer Block Nabinagar, Aurangabad
11. Chunmun Kumar S/o Upendra Prasad Gupta Resident of - Vill. and P.o. and Panchayat- Bairia, P.s.- Mali, Block- Nabinagar, Distt.- Aurangabad, Bihar

... .. Respondent/s

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Appearance :

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

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

Date : 26-09-2025

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

"I. To issue an appropriate writ preferably in the nature of 'Certiorari' for setting aside the part of the Memo No. 173 dated 26.02.2019 containing the minutes of the meeting of the District



Selection Committee, Aurangabad dated 26.02.2019 whereby and where under the respondent no. 11 has been illegally selected for allocation of P.D.S. Shop in Gram Panchayat-Bairia under the category extremely Backward class.

II. To issue an appropriate writ preferably in the nature of 'Mandamus' commanding upon the respondent authorities to allocate P.D.S. Shop in favour of the petitioner in Gram Panchayat Bairia, District-Aurangabad in the category Extremely Backward class since the petitioner is more qualified than the respondent no. 6.

III. To grant any other relief(s) for which the petitioner is found entitle to in the peculiar facts and circumstances of the 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	26.09.2025
Transmission Date	N/A

