

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11290 of 2019

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Satyendra Kumar Yadav Son of Kamaldev Yadav R/O Village- Chatnama,
Ward No. 10, Panchayat- Darah, P.S- Bheja, Block- madhepura, Distt-
Madhubani.

... .. 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, Madhubani.
4. The Block Supply Officer Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi, 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:-

*"1. For issuance of writ in the
nature of mandamus directing the
respondents specially Respondent Sub-
Divisional Officer, Jhanjharpur to consider
the application of the petitioner for his
appointment as PDS dealer in Darah
Panchayat in Madhepur Block as the
name of petitioner has figured at Serial
No. 1 in the merit list published by the
District Selection Committee for the said
Panchayat dated 01.12.2018 but in the*



subsequent merit list some other candidate is being considered on the grounds of his being handicapped.

II. For issuance of writ in the nature of declaration holding that the entire process done by the respondent S.D.O. is wholly arbitrary unjustified and illegal in view of the fact that the aforesaid seat was under the unreserved category and as per the public notice the aforesaid seat was not reserved for any category even for handicapped candidate.

III. For issuance of writ in the nature of mandamus directing the respondents to consider the claim of the petitioner for his appointment as a PDS dealer as he being more meritorious than candidate and also in the first merit list under the coloum of handicapped he has submitted no.

IV. For any other relief/s to which the petitioner is found entitled to in 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	27.09.2025
Transmission Date	N/A

