

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12313 of 2019

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Rustam Hawari Son of Isha Hawari, Resident of Village-Sisai (North Tola),
P.S. Goriakothi, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer protection Department, Govt. of Bihar.
2. The Additional Secretary, Food and Consumer protection Department, Govt. of Bihar.
3. The Joint Secretary, Food and Consumer Protection Department, Govt. of Bihar.
4. The District Magistrate, Siwan
5. The Sub-Divisional Officer, (S,D,O.) Maharajganj, District Siwan.
6. The District Supply Officer, Siwan District-Siwan.
7. The Block Supply Officer, Goriakothi, District-Siwan.,
8. Ramesh Kumar Prasad Son of Bhola Mahto, Resident of Village-Sisai, P.S.,Goriakothi, Distirct-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Irshad Ahmad Khan
For the Respondent/s	:	Mr.S.Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-10-2025

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

“(i) For issuance of appropriate
order or direction for quashing the
selection of private respondent no. 8 as
P.D.S. dealer of Village-Sisai of Goriakothi
Block, District Siwan in gross
discrimination to petitioner.



(ii) For issuance of an appropriate writ, order or direction commanding the respondents to grant the P.D.S. dealership to the petitioner who is the best qualified candidate for the grant of P.D.S. dealership.

(iii) For issuance of an appropriate writ order or direction for grant of ad-interim stay of the operation of P.D.S. dealership of the Village-Sisai (Goriakothi) to the private respondent during the pendency of this writ petition.

(iv) For grant of any other appropriate writ order or direction which your Lordships may deem fit and proper in the 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 observations, the Writ petition shall stand disposed of.

8. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.10.2025
Transmission Date	

