

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11189 of 2019

=====

Ravindra Kushwaha S/o Late Harinarayan Kushwaha Resident of Village-
Ghaghwa,P.O.Kathar,P.S. Dhanaha,Dist.-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, West Champaran at Bettiah
2. The Collector, west Champaran at Bettiah
3. The District Supply Officer, West Champaran at Bettiah
4. The District Co-operative Officer, West Champaran at Bettiah
5. The District Statistic Officer, West Champaran at Bettiah
6. The Sub-Divisional Officer, Bagaha, West Champaran
7. Kamlesh Yadav S/o Chhathu Yadav Resident of Village-Barwa,P.O.
Kathar,P.S. Dhanaha,Dist.-West Champaran

... .. Respondent/s

=====

Appearance :

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

=====

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. To issue an appropriate writ/writs to the extent that the recommendation made by District Selection Committee, West Champaran on 8.2.2019 for selection of private respondent no. 7 (mentioned at Sl. No. 5) for grant of license to run shop under Public Distribution System in Barwa Panchayat of Madhubani Block in West



Champaran district through memo no. 115 dated 8.2.2019 (Annexure-5) may be quashed.

II. To issue a writ of Mandamus commanding the respondents authorities to grant license to run the shop under Public Distribution System in Barwa Panchayat of Madhubani Block in the District of West Champaran.

III. For any other relief or reliefs for which the petitioner is entitled to."

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

