

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12047 of 2019

=====

Minaxi Kumari W/o Surendra Mohan Singh R/o Village- Chak Sikandar, P.S.-
Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department Bihar at Patna.
2. The District Magistrate, Samastipur at Samastipur, Bihar.
3. The Sub-Divisional Officer, Samastipur Sadar at Samastipur, Bihar.
4. The District Supply Officer, Samastipur at Samastipur, Bihar.
5. The Block Supply Officer, Morawa, District- Samastipur, Bihar.
6. Sangita Kumari W/o Pramod Kumar Sahani R/o Chak Sikandar, P.S.- Tajpur, District- Samastipur, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Baxi S.R.P. Sinha, Sr. Advocate
	:	Mr. Ramendra Kumar Bharti, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc4)

=====

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

Date : 15-10-2025

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

"1. The Notification dated 14.02.2019 issued by the District Selection Committee Samastipur under the Chairmanship of the District Magistrate, Samastipur by which the respondent No. 6(private respondent) has been granted Licence for the Public Distribution System Shop (on Serial No. 179) for the village Chak Sikandar under



the Morawa Block of District-Samastipur be quashed.

II. The petitioner appearing in the Merit List at the first position be granted the Licence of the P.D.S. Shop at the place of respondent no. 6.

III. During the pendency of the writ application the operation of the notification dated 14.02.2019 granting Licence to the respondent No. 6 be stayed.”

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 two months 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	17.10.2025
Transmission Date	N/A

