

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21688 of 2018

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Nutan Kishlay Wife of Santosh Kumar, Resident of Village-Yogiraj, P.O.-
Nayatola, P.S. Puraini Bazar, District-Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department, of Food and Civil Supplies,
Government of Bihar, Patna.
3. The Collector-Cum-Chairman of Distirct Level Fair Price Shop Selection
Committee, Madhepura, Distri
4. The District Magistrate, Madhepura, District-Madhepura.
5. The District Supply Officer-Cum Secretary, Fair Price Shop Selection
Committee, Madhepura, District
6. The Sub-Divisional Officer, Udakishunganj, District-Madhepura.
7. Priyanka Kumari Wife of Sonu Kumar, Resident of Village-Yogiraj P.S.-
Puraini Bazar, District-Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
For the Respondent/s : Mr. S.Raza Ahmad -AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-08-2025

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

*(i) For issuance of writ
in the nature of mandamus or
any other appropriate writ/
order/ direction to the
respondent to cancel the
selection of the Respondent No.
7 for fair price dealership as the
petitioner is a better candidate
than the the Respondent No. 7.*

(ii) Further for issuance



of a writ in the nature of mandamus or any other appropriate writ/order/direction to the respondents to produce the certificate/ licence if the same has been issued by the authority concerned and further to cancel the same.

(iii) Further, for issuance of a writ in the nature of mandamus or any other appropriate writ/order/direction to the respondents to stay the operation of the certificate /licence if issued to the Respondent No. 7 for fair price dealership shop till the final disposal of this matter and/or to maintain status-quo if the licence/ certificate has not been issued in the favour of the Respondent No. 7.

(IV) Further, for issuance of any other appropriate writ/ orders/ directions to the respondents as per the facts and circumstances of this 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 representation 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 representation, the writ petition is disposed of with a direction to the petitioner to file representation within one month from the date of receipt of this order before the concerned authority. The delay in filing the representation shall be condoned by the authority concerned, and the authority shall dispose of the same in accordance with law 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.08.2025
Transmission Date	

