

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22103 of 2018

Kalindi Komal wife of Ajit Kumar, resident of Ward No. 5, Village & Post-Srinagar, Sub-Division-Madhepura, Block-Kumarkhand, Panchayat-Ramnagar Mahesh, PS-Srinagar, Distt-Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, PO-Sachivalaya, Patna, Bihar

2. The District Magistrate, Madhepura

3. The Sub-Divisional Officer, Madhepura, District-Madhepura

4. The District Supply Officer, Madhepura

5. The Block Supply Officer, Kumarkhand Block, District-Madhepura

6. Khusbhoo Kumari wife of Umesh Yadav resident of ward No. 5, Village & Post-Srinagar, Sub-Division-Madhepura, Block Kumarkhand, Panchayat-Ramnagar Mahesh, PS-Srinagar, District-Madhepura

7. Nandini Kumari, wife of Rupesh Kumar resident of Ward No. 7, Village & Post-Srinagar, Sub-Division-Madhepura, Block-Kumarkhand, Panchayat-Ramnagar Mahesh, PS-Srinagar, District-Madhepura

8. Nityanand Sharma, son of Chuni Lal Sharma resident of ward No. 7, Village & Post – Srinagar, Sub-Division-Madhepura, Block-Kumarkhand, Panchayat-Ramnagar Mahesh, PS-Srinagar, District-Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sharma, Advocate
For the res. No. 6	:	Mr.Dinesh Prasad Verma, Advocate
	:	Mr.Vivek Kunwar, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad -AAG-5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-08-2025

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



“(i) To quash and set aside the selection of the private respondents as Public Distribution Shop Dealers of Ramnagar Mahesh Gram Panchayat in Kumarkhand Block in Sub Division: Madhepura in District: Madhepura as per the final merit list contained in (Annexure-P/5) pursuant to selection process carried out under the Memo No. 473 dated 05.08.2017 issued by the District Magistrate, Madhepura and District Supply Officer, Madhepura (Annexure-P/1);

(ii) To direct for selection of this petitioner as one of the Public Distribution Shop Dealer for Ward No. 5 in Ramnagar Mahesh Gram Panchayat in Kumarkhand Block in Sub Division: Madhepura in District: Madhepura;

(iii) To any other relief or relief which the petitioner may be found entitled to in the facts and circumstances of the case;

(iv) Cost of this litigation.”

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	21.08.2025
Transmission Date	

