

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22531 of 2018

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Sweta Singh W/o Shailendra Singh, resident of Village- Mahmada Dakshin
Tola, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection
Department, Government of Bihar, Patna
2. The Chairman, District Level Selection Committee, District- Siwan.
3. The Collector-cum- District Magistrate, Siwan.
4. The Additional Collector, Siwan.
5. The Sub Divisional Officer, Sadar, Siwan.
6. The Sub Divisional Officer, Maharajganj.
7. The District Supply Officer, Siwan.
8. The District Co-operative Officer, Siwan.
9. The Block Supply Officer, Bhagwanpur, Siwan.
10. Bandita Vijaya, W/o Sanjiv Kumar Singh, resident of Village- Bankajuya,
P.S.- Bhagwanpur Hat, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Respondent/s : Mr.Arvind Ujjwal- SC-4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-08-2025

1. The writ petition is filed for quashing the recommendation of selection as PDS dealer by the District Level Selection Committee, Siwan for Mahmada Panchayat under General Lady Category of Maharajganj Sub Division and further be pleased to direct the authorities to appoint the petitioner as PDS



Dealer in Mahmada Panchayat under General Lady Category in the Sub Division of Maharajganj because the petitioner is having more marks then respondent no. 10 and candidature of petitioner has been rejected by interpolation in the first page of application form with regards to educational qualification by the office of the respondents committee.

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	

