

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23426 of 2018

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Pinki Kumari D/o Yog Narayan Ram Resident of village Champa Nagar, Post
Baneli, P.S.- Krityanand Nagar, District- Purnia

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Food and Civil Supply Deptt.
Govt. of Bihar, Patna.
2. The Collector Purnia.
3. The Collector cum Chairman PDS Selection Committee Purnia.
4. The District Supply Officer cum Secretary PDS Selection Committee,
Purnia.
5. The Sub-divisional Officer Purnia.
6. The Assistant District Supply Officer, Purnia.
7. The Block Supply Officer, Krityanand Nagar, District Purnia.
8. The Supply Inspector, Krityanand Nagar, District Purnia.
9. Pratima Kumari C/o Praveen Kumar Yadav, resident of village Ramnagar,
Post Baneli, P.S. Krityanand Nagar, District Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amarendra Narayan, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad- Aag5
	:	Mr. Jitendra Kr. Pandey, Advocate

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

Date : 03-09-2025

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

*“For issuance of writ of
appropriate nature, order or direction
quashing proceeding and decision of PDS
Selection Committee, Purnia held under
chairmanship of the Collector Purnia*



dated 29.09.2018, so far it concerns to Kohbara Panchayat PDS license selection, where under Respondent No. 9 Pratima Kumari has illegally and discriminately selection for PDS license at Kohbara Panchayat ignoring the petitioner, who is higher in merit list and entitled to be selected and appointed PDS dealer of Kohbara Panchayat under Krityanand Nagar Anchal, district Purnia. The petitioner's name figures in the medhasuchi and fulfills all criteria for selections also prays for direction to appoint her PDS dealer in Kohbara Panchayat under Krityanand Nagar Anchal and to cancel PDS license of respondent no. 9 based on illegal and faulty selection.

The petitioner also prays for interim order for stay of grant of PDS license for Kohbara Panchayat during pendency 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 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	04.09.2025
Transmission Date	N/A

