

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23910 of 2018

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Kuresha Khatun Wife of Shabuddin Alam Resident of Village- Ghatha, P.s.-
Pratapganj, Distt. Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Supaul '
3. The Sub Divisional Magistrate Supaul
4. Bibi Munina Khatoon Wife of Md. Aazad Alam Alam Resident of village-
Glatha Govindpur, P.o. - Govindpur, P.s. Pratapganj, Distt. Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Adv. Mr. Gyanand Roy, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal- SC-4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-09-2025

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

*“ I. For commanding the
respondent authorities to proceed with
the selection process of PDS Shop dealer
for the shop in question strictly in term of
the merit list dated 03.04.2008 prepared
in that regard after following the due
process as stipulated in PDS shop control
and order 2016 for preparation fo the
merit list for distribution of liencse for*



PDS dealer in Sub-Division Birpur, District Supaul.

ii. Also for quashing the selection of respondent No. 8 as PDS shop dealer having been made in gross violation of the merit list in that regard whose name appears at serial No. 8 when as name of the petitioner stand at serial No. 2 in the said merit list.

iii Also for any other relief/reliefs for which the petitioner found entitled to.

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.09.2025
Transmission Date	

