

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11070 of 2018

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Chandra Kishor Singh Son of Late Bindeshwari Prasad, Resident of Village-
Jhitkea, P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate cum Collector, Katihar.
3. The Sub Divisional Magistrate, Katihar.
4. The Block Supply Officer, Korha, District- Katihar.
5. Arun Kumar Das, son of Shri Rajendra Das, Resident of Village- Majapur,
Police Station- Korha, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeeva Roy, Adv. Ms. Akansha Malviya, Adv. Mr. Akash Keshav, Adv. Dr. Shuchi Bharti, 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 quashing of the
decision of the Respondent
approving/ selecting the
Respondent No. 5 for awarding
licence of Public Distribution
System Shop (in short PDS
shop) for one vacant seat under
un-reserved category in Gram*



Panchayat Makhdumpur under Korha Block of Katihar District inasmuch as the name of Respondent No. 5 was approved ignoring claim of petitioner who happens to be a better candidate for the said shop.

(ii) For holding that the ground for rejection of application of the petitioner for PDS shop licence is totally misconceived, illegal and arbitrary and was taken only to give preference to the candidature of Respondent No. 5 who stands on lesser of Respondent No. 5 who stands on lesser footing than the petitioner.

(iii). For holding that the Respondent No. 5 has been approved for being granted PDS shop licence in selective discrimination against the petitioner who otherwise holds better qualification than the Respondent No. 5.

IV For restraining the officials Respondent from



issuing PDS shop in favour of the Respondent No. 5 during pendency of this application.

(v). For any other appropriate relief or reliefs to which the petitioner may be deemed 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 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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.08.2025
Transmission Date	

