

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12056 of 2019

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Niranjan Choudhary, Son of Ambika Choudhary Ward No. 2 Village
Bhadoghat, P.O. Basantpur Ramani, P.S.- Warisnagar District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Civil Supplies government of Bihar, Patna.
2. The Principal Secretary Department of Food and Civil Supplies Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Supply Officer, Samastipur.
5. The Sub-Divisional Officer, Samastipur.
6. The Sub-Divisional Officer, Rosera.
7. The Sub-Divisional Officer, Dalhinsarai,
8. The District Co-Operative Officer, Samastipur.
9. Abhinandan Kumar Singh, Son of Shri Gauri Shankar Singh, resident of Srikrishnapur Baikunth, P.O.- Basantpur Ramani, P.S.- Warisnagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Kumar Prasad, Advocate
For the Respondent/s : Mr.S.Raza Ahmad (Aag5)

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

Date : 15-10-2025

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

“I. To issue writ in the nature of certiorari for quashing the part decision dated 14.02.2019 taken by the district selection committee in a meeting convened under the chairmanship of the District Magistrate, Samastipur whereby



and whereunder respondent no.9 has been declared selected as public distribution system (in short PDS) dealer against the vacancy marked for the unreserved category candidate in the Basantpur Ramani Panchayat under the district of Samastipur. In furtherance of this it is humbly prayed that respondents be directed to declare petitioner as selected on a vacancy in which respondent no. 9 has been selected illegally and in dissonance to the terms of the advertisement resulting into the deprivation of petitioner from his selection as petitioner has been placed at serial no. 2.

II. It is further prayed that during the pendency of instant writ application the effect and operation of decision taken by the district selection committee in its meeting date 14.02.2019 in respect of selection of PDS dealer in the unreserved category under the panchayat Basantpur Ramani in the district Samastipur whereby respondent no. 9 has been selected be stayed.

III. To pass such other order(S) direction(S) for which petitioner is



entitled in the facts and circumstances of the instant 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. The authority shall also pass a



speaking order whether Rule 9(v) of Bihar Targeted Public Distribution System (Control) Order, 2016 has been followed or not?

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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.10.2025
Transmission Date	N/A

