

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19641 of 2018

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Jai Maa Laxmi Jivika Self Help Group Wife of Anil Kumar, Resident of
Village- Ichua, Panchayat Ichua Karna, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Food and Consumer
Protection Department, Government of Bihar, Patna
2. The Commissioner, Magadh Division, Gaya.
3. The District Officer-cum-Collector, Nawada.
4. The District Supply Officer, Nawada.
5. The Sub-Divisional Officer, Nawada.
6. The Block Supply Officer-cum-Marketing Officer, Nawada.
7. Soni Kumari, Wife of Om Prakash, Resident of Village- Jagdishpur, P.S.-
Nardiganj, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sinha
For the Respondent/s	:	Mr.S. Raza Ahmad- AAG-5
	:	Mr.Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 12-08-2025

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

“(i) For issuance of a writ
in the nature of mandamus
directing and commanding the
respondents to issue new licence
of fair price shop under Public
Distribution System to Jai Maa
Laxmi Jivika Self Help Group run



by, through its Secretary, Sulekha Bharati (petitioner) on the vacant seat of Ichua Karna Panchayat under Nardiganj Block of the District of Nawada for which the petitioner has applied in pursuance of Advertisement No. 01/2017 issued by Sub Divisional Office Nawada and also appeared in counseling, the petitioner has fulfilled all the criterias laid down under "Bihar Targeted Public Distribution System (Control) order" 2016 by which Special priority should be given to self Help Group (S.H.G.) but the respondents ignored the petitioner's application and adopted pick and choose policy on irrelevant grounds and selected one Soni Kumari which is against the provisions of Bihar Targeted Public Distribution System (Control) order 2016.

(ii) For issuance of writ in the nature of certiorari quashing the selection of Soni Kumari, B.C.-IInd Category has selected for issue new licence of fair price shop



under Public Distribution System on the vacant seat of Ichua Karna Panchayat under Nardiganj Block of the District of Nawada in Advertisement No. 01/2017, rather the said seat vacant for reserved female category and further the selected village Jagdishpur under Ichua Karna Panchayat is too low population of said Panchayat instead of other village and further from one Kilometer distance in village- Dayalibigha of said Panchayat having P.D.S.shop earlier, ignored everything and provision contained in Bihar Targeted Public Distribution System (Control) order 2016.

(iii) For issuance of any other relief(s) for which the petitioner found entitled to in the facts of the 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 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 within three months from the date of filing of the same.

7. With the above said observations, the Writ petition shall stand disposed off.

8. Interlocutory Application(s), if any, shall stand disposed off.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2025
Transmission Date	

