

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21398 of 2018

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Ram Ashish Kumar Son of Jibach Yadav Resident of village Mansara, P.s.
Ghanshyampur Distt. Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga Division Darbhanga.
3. The District Magistrate, Darbhanga.
4. The District Supply Officer, cum Secretary of District Selection Committee, Darbhanga.
5. The Sub-Divisional Officer, Biraul, Darbhanga.
6. The District Selection Committee of the public Distribution system, Darbhanga through its Chairman,
7. The Block Development Officer, Gaura Bauram, Darbhanga.
8. The Circle Officer, Gaura Baurm, Darbhanga.
9. Yasim Parveen Wife of abrar Hussain Resident of village Adharpur, P.s.- Ghanshyampur, Distt. Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Srivastava, Advocate
	:	Mr. Vagisha Pragya, Advocate
	:	Ms. Ankita Roy, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal -Sc4

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

Date : 01-08-2025

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

*“i) For quashing of the list dated
25.06.2018 passed by the District
Selection Committee of the Public
Distribution System, Darbhanga
(Respondent No. 6) whereby the*



recommendation of the earlier selected candidate has been rejected and instead of that selection of Private Respondent No. 9 namely Yasmin Praveen recommended. Whereas the respondent no. 9 has already been selected by the District Committee selected vide list dated 01.09.2017.

ii) For direction to the District Selection Committee of the Public Distribution System, Darbhanga (Respondent no. 6) to finally select and recommend the name of the petitioner for fair price shop of the Public Distribution System in Gram Panchayat Raj Adharpur in Gaura Bauram Block of Darbhanga District.

iii) For direction to the respondent authority to produce the license issued to the private respondent no. 9 and further be pleased to cancel the same and issue license to the petitioner in place of her. Further any other writ(s) may be issued direction(s) given or order(s) passed which the petitioner is entitle to the facts and circumstances.”



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 four weeks 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 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	02.08.2025
Transmission Date	N/A

