

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23672 of 2018

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Punam Sharma, Wife of Lakshman Kumar Sharma, Resident of Village-
Laliyahi, P.O.- New Jute Mills, P.S.- Sahayak, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate, Katihar.
3. The Sub-Divisional Officer-cum-Licensing Authority, Sadar, Katihar.
4. The District Supply Officer, Katihar.
5. The Block Supply Officer, Katihar.
6. Lalita Devi, Wife of Yogendra Paswan, Resident of Ambedkar Colony, D.S. College Road, P.S.- Town, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Respondent/s : Mr. Arvind Ujjwal, Adv.
Mr. Sanjeev Kr. Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 01-09-2025

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

(i) To issue an appropriate
Order/s, Direction/s including a Writ
preferably in the nature of
Certiorari for quashing the Enquiry
Report dated 26.4.18 as contained
in Supply Record No.593/18
whereby and whereunder the
Selection Committee headed by



the District Magistrate, Katihar has recommended the private respondent for issuance of license of P.D.S. Dealer against one vacant post for SC(F) candidate for Daheria Village Panchayt under Block and District-Katihar.

(ii) To cancel whole selection process of appointment of P.D.S. Dealer against one sanctioned post for the same vacant in the aforesaid Panchayt taking into the consideration of irregularity committed in the Selection Process.

(iii) To direct the respondents to enquire into the matter and issue a license aforesaid to the petitioner against one vacant post of P.D.S. Dealer in place of private respondent against the vacant post of SCF taking into the consideration that she fulfils requisite qualification for the same under the provision of Bihar Targeted Public Distribution System (Control) Order, 2016.

(iv) To any other relief/s to which the petitioner is entitled in



the facts and circumstances 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.

32. (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. It is needless to state that before passing any order, the Divisional Commissioner shall give a fair opportunity to hear the parties.

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	03.09.2025
Transmission Date	

