

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24865 of 2018

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Arvind Kumar Son of Shri Mahesh Ram Resident of village- Patepur Pran
Tola, P.S.- Muffasil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, General Administrative Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Additional Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
4. The Joint Secretary, Food and consumer Protection Department, Government of Bihar, Patna
5. The Deputy Director, Food and Consumer Protection Department, Govt. of Bihar, Patna
6. The District Magistrate, East Champaran Motihari.
7. Suresh Kumar Son of Late Nakched Prasad Resident of village- Patauna Pran Tola, District- Muffasil Motihari, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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

Date : 22-08-2025

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

***“A. A writ in the nature of
CERTIORARI or any other appropriate
writ/s, order/s direction/s quashing the
final selection list of PDS Dealers issued
vide Memo No. 122 dated 28.11.2018 in
so far as the same relates to allotment of***



PDS Dealership against to Respondent No. 7 against Serial No. 12 under Motihari Sadar Sub-Division of against unreserved category though on the basis of higher educational qualification of DCA both being false as the Petitioner had better qualification and DCA Certificate

B. *A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s direction/s directing the Respondent Authorities for the following:-*

i. *To hold that the selection of Respondent No. 7 against Serial No. 12 in the final list published vide Memo No. 122 dated 28.11.2018 was wrong and done in violation of existing law/rules/guidelines governing the allotment.*

ii. *To allot the PDS dealership/license to the Petitioner on the basis of him having highest qualification and computer proficiency.*

C. *To any other relief/s to which the petitioner is found 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 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	01.09.2025
Transmission Date	N/A

