

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13019 of 2019

Subodh Kumar Chandel S/o Mundrika Ram Vill.- Pranpur, P.O. and P.S.-
Belaganj, distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna
2. The Commissioner Magadh Division, Gaya
3. The District Magistrate Gaya
4. The District Supply Officer Gaya
5. The Circle Officer Belaganj, Distt.- Gaya
6. Bankatesh Kumar S/o Yogendra Sharma Vill.- Pranpur, P.O. and P.S.-
Belaganj, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sharma, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 13-10-2025

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

"1. For quashing the part of the selection of dealer of Fair Price Shop under Public Distribution System vide order dated 26.2.2019 as contained in Annexure-9 by which Bankatesh Kumar, Respondent No. 6 has been selected for license of Public Distribution System of Lodipur Grampanchayat, Belaganj Block, District Gaya under unreserved category against Advertisement No. 01/2017.



II. Also for declaring any decision taken pursuant to the selection of Bankatesh Kumar, Respondent No. 6 to the post of dealer/license under Public Distribution System of Lodipur Grampanchayat, Belaganj Block, District Gaya against Advertisement No. 01/2017 is void, illegal and bad in law;

III. Also for declaring the process making decision of selection of Bankatesh Kumar, Respondent No. 6 to the post of dealer/license under Public distribution System of Lodipur Grampanchayat, Belaganj Block, District Gaya against Advertisement No. 01/2017 is void, illegal, arbitrary, capricious and against the Bihar Targeted Public Distribution System (Control) Order, 2016 dated 10th March, 2016 as contained in Annexure- 4, Government Resolution 2016 providing 3% reservation for disabled quota and guidelines issued by the Sub Divisional Officer, Sadar, Gaya on 12.9.2017 as contained in Annexure- indicating Fair Price Shop will not be allotted to the candidates who is holding the Government office or office of profit of the State Government;



IV. Also for commanding the respondents to issue selection letter in favour of the petitioner considering the petitioner is the fittest candidate amongst others 4 Lodipur Grampanchayat, Belaganj Block, District Gaya for Public Distribution System on the ground of disability and other qualifications also as per the criteria fixed by the Government;

V. And also for necessary direction as the petitioner is found entitled in the eye of law and 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.

(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 raising all the grounds 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.

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

