

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12894 of 2019

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Munna Kumar S/o Bhuneshwar Singh Resident of Village Jinoria, P.S.
Baghaila, Dist.Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna
4. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
5. The District Officer-cum-Collector, Dist.-Rohtas
6. The Sub-Divisional Officer, Sub Division, Rohtas
7. The District Supply Officer, Dist.-Rohtas
8. The Block Supply Officer, Block-Rajapur, Dist.Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh
For the Respondent/s : Mr.S.Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-10-2025

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

“For issuance of writ/writs of certiorari appropriate in nature for directing and commanding to the respondents for issuance of P.D.S. Licence in the name of the petitioner on the basis of high marks in essential educational certificate, for issuance of



P.D.S. licence as per guideline in vacancy for Panchayat Siyachak, Block Rajpur, District Rohtas who has fulfill entire terms and condition for issuance of P.D.S. Licence but the name of the petitioner is mentioned at serial no. 3 in provisional merit list and the name of other applicant Deepak Kumar has been published at serial no.1 in provisional list, when the marks of the petitioner in matriculation is 79% and marks of other applicants is below to the petitioner, after violation statutory rule 9 of Bihar targeted Public Distribution System (Control) Order 2016 the Provisional list has been published by the authority.”

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 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 observations, the Writ petition shall stand 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	NA
Uploading Date	09.10.2025
Transmission Date	

