

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13716 of 2019

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Sunil Kumar Son of Sri Kapildeo Ram R/o Choari, P.S. Daudnagar, District
Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary Government 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 Rohtas
6. The Sub-Divisional Officer Sub-Division, Daudnagar, District-Aurangabad
7. The District Supply Officer District-Aurangabad
8. Sri Krishna Kant Ravi S/o Jay Nandan Ram P.S. Daud Nagar, District-
Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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

Date : 16-10-2025

1. The present Writ petition is filed for
issuance of writ/writs certiorari or appropriate in
nature for directing and commanding to the
respondents for cancellation of candidature of
issuance of P.D.S. Licence of private respondent no.
8 who has applied for issuance of P.D.S. Licence for
village Choari, P.S. Daudnagar, District Aurangabad



whose name is published in serial no. 1 in merit list on the basis of false statement about house of business place which is constructed on gair mazarua land whenever as per publication of Gazette extra ordinary by the State of Bihar on 14th March 2016 Anusuchi-01-in serial no. 4 there should be mention of business place own or on rent as well as for direction to the respondents for issuance of licence of P.D.S. in name of the petitioner on place of private respondent no.8 who has fulfill entire criteria and whose name is mentioned in merit list in serial no.2 by the respondents.

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 two months 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

