

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15027 of 2019

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Neetu Kumari Wife of Avinash Kumar Resident of Village- Rajwara, P.O.-
Kadamwa, Panchayat- Kadamwa, Ward No-02, P.S.- Ghorasahan, District-
East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran at Motihari.
4. The District Supply Officer, East Champaran at Motihari.
5. The Sub Divisional Officer, Sikrahana, District- East Champaran.
6. The Block Development Officer, Ghorasahan, District- East Champaran.
7. The Marketing Officer, Ghorashan, District- East Champaran.
8. Renu Kumari Wife of Hari Narayan Prasad Resident of Village and Post- Kadamawam, P.S.- Ghorasahan, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Asif Kalim, Adv.
For the Respondent/s : Mr. S.Razaj Ahmad (SC-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-10-2025

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

“(A) For issuance of an appropriate writ, order or direction for setting aside the Memo No. 122 dated 28.11.2018, whereby and where under direction was given for issuance of licence for running PDS shop under Bihar



Targeted Public Distribution System (Control) Order, 2016 to the selected candidates so far it relates to the private respondent No. 8.

(B) For issuance of an appropriate writ, order or direction for setting aside the selection list approved by the District Selection Committee in the meeting dated 02.11.2018 so far it relates to the private respondent No. 8 who are selected illegally for running PDS Shop in Kadamwa Panchayat within Sikrahana Sub-Division of District East Champaran.

(C) For issuance of an appropriate writ order or direction to the respondent to produce the PDS license issued in favour of the Respondent NO. 8 and then cancel the same since the same is illegally issued in favour of the respondent No. 8.

(D) For any other relief or reliefs for the petitioner is entitled in the opinion of this Hon'ble High Court.

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. It is needless to mention that before passing any order the petitioner should be given a fair opportunity for hearing.

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	16.10.2025
Transmission Date	

