

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13336 of 2019

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Maha Kumari Wife of Anil Kumar Baitha Resident of Village- Parsauni
Mailwar, Ward No.8, P.S.- Parsauni, Block- Parsauni, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector-cum-District Magistrate, Sitamarhi.
4. The District Supply Officer, Sitamarhi.
5. The Sub-Divisional Officer, Belsand, District- Sitamarhi.
6. The Block Supply Officer, Parsauni, District- Sitamarhi.
7. The Chairman, District Compassionate Appointment Committee, Sitamarhi.
8. Archna Kumari Wife of Dharmendra Paswan Resident of Village and Post-
Parsauni Mailwar, P.S.- Parsauni, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
For the Respondent/s : Mr. S.Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-10-2025

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

*“(i) For direction to the
respondent authority to grant PDS licence
to the petitioner, who having higher
percentage marks among all the applied
candidates on seniority basis in Gram
Panchayat Raj, Parsaun Milwar, at
Parsauni Block in Sitamarhi District.*



(ii) For issuance of the direction commanding the respondent to cancel the appointment of the respondent No. 8 whose appointment for PDS Dealer is illegal due to she has got less percentage of marks than the petitioner.

(iii) For further direction to the respondent authorities to dispose of the representation of the petitioner with reasoned and speaking order within time framed.

(iv) For any other relief/reliefs for which the petitioner found entitled 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 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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.10.2025
Transmission Date	

