

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14877 of 2019

Janardan Yadav Son of Dayanand Yadav Resident of Village- Birajpur, P.O.-
Khapra, P.S.- Sangrampur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Food and Consumer protection Department, Government of Bihar, Patna.
2. The Divisional Commissioner Munger Division, Munger.
3. The District Magistrate Munger.
4. The Sub- Divisional Officer Tarapur, Munger.
5. The District Supply Officer Munger.
6. The Block Supply Officer, Tarapur Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-10-2025

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

“(i) For issuance of any appropriate writ or writs, Rule of direction especially in the nature of certiorari for quashing the part order with regard to the petitioner issued on 30.07.2018 under the signature of District Level



Selection Committee presided by the District Magistrate, Munger, whereby and whereunder the committee have taken decision, for not issue the public Distribution System licence to the petitioner only on the vague grounds that the petitioner has not submitted his current character certificate before the respondent authorities.

(ii) For issuance of any appropriate writ or writs, rule or direction especially in the nature of Mandamus commanding and directing the respondent to accept to current character certificate of the petitioner and issue license of Public Distribution System under the Roaster No. 141, unreserved Birajpur Katihari, Block-Tarapur District Munger as the petitioner was only applicant for the said license of PDS.

(iii) For issuance of any appropriate writ or writs, rule or direction as this Hon'ble Court may found just and proper to the facts and circumstances of the case as well as for which the petitioner shall be found entitled thereto"

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	

