

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15422 of 2019

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Dipak Kumar Son of Omprakash Sah, Resident of village Nande Nagar,
panchayat Kachhuua, Prakhand Lakhnour, P.S. Lakhnour District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary Department of Food and Consumed Protection
Government of Bihar, Patna.
3. The Collector, Madhubani.
4. The S.D.O. Jhanjharpur, District Madhubani.
5. The District Supply Officer, Madhubani.
6. Sonu Kumar Son of Ram Narayan Das Resident of village Nande Nagar,
Panchayat Kachhuua, P.S. Lakhnour Prakhand Lakhnour.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-10-2025

1. The Writ petition is filed for the following

reliefs:-

“A. A certiorari setting aside the final merit list prepared dated 25.2.2019 by the respondent District Selection Committee name of the respondent No. 6 has been illegally selected against the reserve Extremely Backward Class category for the PDS dealer under gram Panchayat, Kachhua, Prakhand, Lakhnour, District Madhubani (Annexure-6) whereby and whereunder respondent No. 6 belongs to Backward Class category.



B. A mandamus commanding the respondent authorities issued the license of petitioner on the basis of the merit list.

C. Any other writ or writs for granting any other reliefs for which, the petitioner is found entitled to in the facts and circumstances of the present 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 two 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)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	

