

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14920 of 2019

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Khushbu Kumari W/o Lalu Salhaita Resident of Village- Bariyarba, P.O.-
Bhagata, Block- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum- Collector, Madhubani.
3. The Sub- Divisional Officer, Jhanjharpur.
4. The Block Supply Officer, Madhepur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Adv.
For the Respondent/s : Mr. Arvind Ujjawal (SC-4)

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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 writ in the
nature of mandamus directing the
respondent specially the Sub-Divisional
Officer, Jhanjharpur to consider the
application of petitioner for his
appointment of PDS dealer in Basipatti
Panchayat in Madhepur Block as the
name of the petitioner figured at Serial
No. 01 in the merit list published by the
District Selection Committee for the said
Panchayat dated 01.12.2018 but the*



selection process for the said Panchayat has been suspended/kept in abeyance for the reason best known to the respondent authority as no subsequent merit list nor any order with regard to cancellation of the selection process has been issued for the said Panchayat.

II. For issuance of writ in the nature of declaration holding the entire selection process done by the respondent SDO is wholly arbitrary, unjustified and illegal in view of the fact that without assigning any order with regard to cancellation of selection process the same has been kept in abeyance without any reason that too in complete violation of advertisement issued for the selection of PDS dealer by the State Government.

III. For issuance of writ in the nature of mandamus directing the respondent to consider the name of the petitioner for his appointment as PDS dealer as such being more meritorious than other candidate and also at Serial No. 1 in the merit list published by the District Selection Committee headed by the District Magistrate, Madhubani.

IV. For any other relief(s) for which 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 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	

