

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14680 of 2019

Bindu Kumari wife of Sanjiv Kumar Singh resident of Village- Kumarpur
Katahra, Police Station- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector cum District Magistrate, Bhagalpur.
3. The District Officer cum Chairman District Selection Committee, Bhagalpur.
4. The Sub- Divisional Officer (S.D.O.), Sadar, Bhagalpur.
5. The District Supply Officer, Bhagalpur.
6. The Block Supply Officer, Sultanganj, Bhagalpur.
7. Dilip Kumar son of Gulabi Mandal Resident of Village and P.O. Katahra, Police Station- Sultanganj, District- Bhagalpur.
8. Sudhir Ravi Das son of Baldev Ravi Das Resident of Village- Kumarpur Katahra, Police Station- Sultanganj, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 14-10-2025

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

“1. For issuance of writ in the nature of mandamus or commanding and directing the concern respondent authority under Bihar Targeted PDS (Control) Order 2016 to consider and take appropriate action in accordance with law on the petitioner claim/objection



application dated 14.12.2018 filed against the private respondents whose name illegally included in Provisional Merit List against the roaster also published by the respondent authority for grant & issuance of P.D.S. (Public Distribution System) Shop License and the respondent authority thrown the aforesaid claim/objection application of petitioner in dustbin and illegally consider the name of private respondents for appointment of P.D.S. Dealers behind the back door method.

II. For direction to the licensing authority under Bihar Targeted PDS (Control) Order, 2016 for grant and issuance of P.D.S. (Public Distribution System) Shop License in favour of petitioner for Gram Panchayat Katahra, District Bhagalpur in terms of Rule 9 of Bihar Targeted P.D.S. (Control) Order, 2016 and taking in consideration of petitioner eligibility who has fulfil all the criteria, belong to extreme backward class (E.B.C.)

III. For direction upon the respondent authority to begin enquiry against the private respondent no. 7 to 9 in terms of claim/objection application



dated 14.12.2018 filed by the petitioner and after conclusion of enquiry cancel the candidature of private respondents.

IV. And for any other relief/reliefs for which the petitioner is found to be entitled under the provision of law involved in 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)

amitkr/-

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

