

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17742 of 2019

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Manish Kumar Son of Vinay Kumar Yadav, Resident of Nawada, P.S.-
Ishipur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub Divisional Officer, Kalalgaon Sub Division, District- Bhagalpur.
4. The Block Supply Officer, Pirpainti Block, District- Bhagalpur.
5. Umesh Yadav, Son of Late Yamuna Yadav, Resident of Village- Nawada, P.s.- Ishipur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Jha, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 17-10-2025

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

“1. Issuance of writ or writ in the nature of certiorari to quash the resolution taken by the District Selection Committee, Bhagalpur constituted for selection of P.D.S. Shop Dealership License dated 27.02.2019 (as contained in Annexure-6 to this petition) in the Chairmanship of District Magistrate, Bhagalpur whereby in E.B.C. seat, Respondent no 5 a candidates belonging



to Backward Class have been selected on the unreserved category for the Hardeochak Gram Panchayat in the Pirpainti Block under Bhagalpur district ignoring the better claim of this petitioner having 53.69% merit marks and also has been recommended.

II. For issuance of writ or writ in the nature of mandamus commanding and directing the respondents to select the petitioner for P.D.S. Shop dealership and issue the P.D.S License since he is qualified in the merit list and recommendation was also made in his favour.

III. Issuance of such other order/orders, direction/directions as your Lordships may deem fit and proper in the facts and circumstances of this 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 months 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	17.10.2025
Transmission Date	N/A

