

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16199 of 2019

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Lal Kishore Paswan, Son of Nand Kishore Paswan, Resident of Village and
P.O.- Bela Simri, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
4. The Collector cum district Magistrate, Khagaria.
5. The District Officer cum Chairman District Selection Committee, Khagaria.
6. The District Supply Officer, Khagaria.
7. The Block Supply Officer, Khagaria, District- Khagaria.
8. The Sub-Divisional Officer (SDO), Khagaria.
9. The Block Development Officer (BDO), Khagaria, District- Khagaria.
10. Virender Vikram, Son of Ramchander Paswan, resident of Village- Simri Bela, Block- Khagaria, District- Khagaria.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-10-2025

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

***“A. For quashing or set aside the
selection of the private respondent No.
10 for grant of PDS shop licence under
Gram Panchayat Bela Simri,***



Block+District Khagaria vide selection list dated 10.07.2019 issued by the District Supply Officer, Khagaria whereby and whereunder the said respondent authority without considering the objection application dated 08.09.2018 filed by the petitioner or giving any reasonable opportunity of hearing to petitioner in most mechanical manner made selection of private respondent No. 10 whose application form was rejected and kept in category of unsuccessful candidates.

B. *For issuance of writ in nature of mandamus for commanding and directing the concern respondent authority under Bihar Targeted PDS (Control) Order, 2016 for grant and issuance of PDS (Public Distribution system) Shop Licence under Gram Panchayat Bela, Simri, Block + District Khagaria in favour of the petitioner in terms of Rule & Regulations of Bihar Targeted PDS (Control), 2016.*

C. *And for any other relief/reliefs for which the petitioner is found to be entitled under the provisions 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 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. It is needless to mention that



before passing any order the petitioner should be given a fair opportunity for hearing.

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	

