

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16914 of 2019

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Jitendra Paswan S/o Kali Charan Paswan Resident of Village- Ward No.01
Purnahi P.S.- Warisnagar Distt Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Samastipur.
2. The Collector, Samastipur.
3. The Distt. Supply Officer, Samastipur.
4. The Sub Divisional Officer, Samastipur.
5. Mukesh Kumar Son of Ramashray Prasad Singh Resident of Village- Ward
No.-01, Purnahi P.S.- Warisnagar, Distt- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mr.Arvind Ujjawal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-10-2025

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

“(i)For issuance of writ in nature
of certiorari for quashing of memo no.-
213 dated 18.02.2019 whereby Licences
of PDS Fair price shop of Purnahi
Panchayat has been allotted to the
Respondent No.-5.

(ii) For also issuance of writ in
nature of Mandamus directing to the
respondents concern to allot the
Licences of PDS Fair Price shop of



Purnahi Panchayat to the petitioner as the petitioner got 1st in the provisional list.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions to command the respondents.”

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 observations, the Writ petition shall stand disposed of.

8. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.10.2025
Transmission Date	

