

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17124 of 2019

=====

Ranjana Kumari W/o Arvind Kumar, Resident of Village- Rajopur, P.O. Katarmala, P.S . Dandari, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Begusarai.
3. The Sub- Divisional Officer, Balia, Begusarai.
4. The District Supply Officer, Begusarai.
5. The Selection Committee for grant of New License Under Public Distribution System (Control) Order, 2016 through its Chairman, i.e. The District Magistrate, Begusarai.
6. Nitish Kumar Sharma, Son of Mahendra Sharma, Resident of Village- Rajopur, P.O. Katarmala, P.S. Dandari, District- Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

=====

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 an appropriate writ in the nature of certiorari for quashing the decision of the Selection Committee for grant of New License under Public Distribution System (Control) Order, 2016 held under the chairmanship of the District



Magistrate, Begusarai dated 03.10.2018 as contained in Memo No. 545 dated 22.10.2018 by which the Private Respondent namely Nitish Kumar Sharma has been selected for grant of license of Public Distribution System Shop for Rajopur Panchayat under Dandari Block in the District of Begusarai against the General Vacancy.

(ii) For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondents to bring on record the said order of license granted in favour of the Respondent No. 6 and after production of the same, a writ in the nature of certiorari be issued quashing the same as the decision taken by the selection committee for selection of the private respondent for PDS shop against General category in Rajopur Panchayat under Dandari block in the district of Begusarai is wholly illegal, arbitrary, in teeth of Bihar Targeted Public Distribution System (Control) Order, 2016 and ignoring the merit list.

(iii) For issuance of an appropriate Writ in the nature of Mandamus commanding the



Respondents to produce the Merit list, Publication List as prepared by the Respondents for selection of PDS shop against General category in Rajopur Panchayat under Dandari block in the district of Begusarai.

(iv) For issuance of an appropriate writ in the nature of Mandamus commanding the Respondents to grant license for Public Distribution Shop for Rajopur Panchayat under Dandarai Block in the District of Begusarai in favour of the petitioner, as the petitioner is higher in the Merit than the Respondent No. 6.

(v) For any other relief/s for which the petitioner is entitled in the eye of law in the facts and circumstances of the 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 observations, the Writ petition shall stand disposed of.

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

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2025
Transmission Date	

