

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17657 of 2019

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Md. Fazle Rabbani, S/o Mukhtar Alam, resident of Village- Pirpainti, Block and P.S.- Pirpainti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Level Selection Committee through its Chairman, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The ADM (departmental enquiry), Bhagalpur.
5. The District Supply Officer, Bhagalpur.
6. The Sub-Divisional Officer, Kahalgaon, Bhagalpur.
7. The Additional District Supply Officer, Kahalgaon, Bhagalpur.
8. The Block Supply Officer, Pirpainti, Bhagalpur.
9. Mukesh Kumar Tanti, son of Prahalad Tanti, resident of Village- Pirpainti Bazar, Pirpainti, Panchayat Manikpur, P.S.- Pirpainti, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (AAG-5)

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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). The final selection of
respondent No. 9 by the District
Selection Committee, Bhagalpur who
recommended the name of respondent
No. 9 for grant of PDS licence in the*



Panchayat, Pirpanti against general category.

(II). The order dated 12.07.2019 passed by ADM (departmental inquiry), Bhagalpur by which the objection filed before the District Magistrate, Bhagalpur on 13.03.2019 was rejected and affirming the decision of District Selection Committee dated 30.11.2018 holding therein that the respondent No. 9 is permanent resident of Pirpanti Panchayat and presently no flour mill was found.”

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 in accordance with law 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 of 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	

