

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15005 of 2018

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Sudha Kumari w/o Shishupal Kumar r/o village Karma Khurd, Ward No. 15,
Gram Panchayat Khanpura, PS Sirdala, District Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principle Secretary, Food and Consumer Protection Department, Govt. of Bihar
2. Special Secretary, Food and Consumer Department, Government of Bihar.
3. District Magistrate, Nawada.
4. Sub Divisional Officer, Rajauli, District Nawada.
5. Marketing Officer, Sirdala Block, Sub Division Rajauli, District Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gopal Bohra
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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

Date : 23-07-2025

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

"1. For a direction to the respondent to issue license for the fair price shop for the village Karma Khurd under the Gram Panchayat Khanpura, block Sirdala for which the advertisement no. 1 of 2017 was published under the signature of the Sub Divisional Officer, Rajauli vide memo no. 2688 dated 21.12.2017 inviting application for issuance of the license to the competent



candidates of 75 vacant fair price shops of Rajauli Sub Division.

II. And for any other relief/relies that your lordships may deem fit and proper in the interest of justice."

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 representation 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 representation, the writ petition is disposed of with a direction to the petitioner to file representation within one month from the date of receipt of this order before the concerned authority. The delay in filing the representation 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	28.07.2025.
Transmission Date	N/A

