

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22349 of 2018

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Humera Khatoon W/o Md. Mahja, Resident of Village- Bansar, Panchayat-
Khokha North P.S.- Srinagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Food and Consumer Protection Deptt,
Old Secretariat, Patna
2. The District Level Selection Committee, Purnea through its Chairman.
3. The District Magistrate, Purnea.
4. The Sub-Divisional Officer, Purnea.
5. The Block Supply Officer, K. Nagar, Purnea.
6. Farhana Nasreen, Wife of Hasibur Rahman, Resident of Village- Bansar,
Panchayat- Khokha North, P.S.- Srinagar, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-08-2025

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

*“(I) For quashing the final
selection list issued under the signature
of respondent nos. 2 to 4 by which the
name of respondent no.6 be selected
and recommended for grant of PDS
license in Khoka North Panchayat, Block
Srinagar, Sub-division Sadar, District
Purnea after rejecting the candidature
of petitioner for grant of PDS License on*



the ground that the petitioner. has failed to fill up the clause 3 to 5 of the application form.

(ii) Further be pleased to direct the competent authority to prepare fresh considering the candidature merit list of the petitioner and selected her for grant of license in Khokha North Panchayat.”

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)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.08.2025
Transmission Date	

