

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23232 of 2018

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Ravi Ranjan Kumar S/o Kaurena Mahto Resident of Village- Bithuna, P.S.-
Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Chairman, District Level Selection Committee, District- Siwan.
3. The Collector-cum- District Magistrate, Siwan.
4. The Additional Collector, Siwan.
5. The Sub Divisional Officer, Sadar, Siwan.
6. The Sub Divisional Officer, Maharajganj.
7. The District Supply Officer, Siwan.
8. The District Co-operative Officer, Siwan.
9. The Block Supply Officer, Bhagwanpur, Siwan.
10. Kamruddin Ansari S/o Wakil Ansari Resident of Village- Bithuna, P.S. Basantpur, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Respondent/s : Mr.S.Raza Ahmad

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 09-09-2025

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

"1. The present Writ application is being filed on behalf of the petitioner above named for quashing the recommendation of selection as PDS dealer by the District Level Selection Committee, Siwan for Bithuna Panchayat



under Most Backward Class of Maharajganj Sub Division and further be pleased to direct the authorities to appoint the petitioner as PDS Dealer in Bithuna Panchayat under Most Backward Class in the Sub Division of Maharajganj because the petitioner is having more marks in Post Graduate than respondent no. 10 and further the authority may be directed to appoint the petitioner as PDS dealer in Bithuna Panchayat because he is having more marks than respondent No. 10 in the Computer Examination.”

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 observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

Ranjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2025
Transmission Date	

