

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19129 of 2019

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Phulena Yadav S/o Nannulal Yadav Vill.- Badi Balia South Ward No. 6, P.s.
and P.o.- Balia, Distt.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Food and Consumer Protection, Bihar, Patna
2. The Additional Secretary Department of Food and Consumer Protection, Patna
3. District Magistrate Begusarai
4. The Public Grievance Redressal Officer (PGRO) Begusarai
5. District Supply Officer Begusarai
6. S.D.O. Balia, Distt.- Begusarai
7. Block Supply Officer Balia, Distt.- Begusarai
8. District Co-operative Officer Begusarai
9. Subodh Kumar S/o Naval Kishor Rai Vill.- Badi Balia, South , P.s. and P.o.- Balia, distt.- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Sinha, Adv.
For the Respondent/s : Mr.Arvind Ujjawal (Sc4)

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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:-

“(a) For quashing the selection of respondent no. 9 who has been selected for public distribution system dealership, Badi Balia South, District - Begusarai, in violation of the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016.



(b). For issuance of writ of Mandamus directing the respondents to select the petitioner for the PDS dealership with regard to the above Panchayat i.e. Badi Balia South, District - Begusarai.c. For staying the allotment of the Fair Price Shop in the Panchayat Badi Balia South, District Begusarai till the pendency of the case.

(c) For staying the allotment of the Fair Price Shop in the Panchayat Badi Balia South, District Begusarai till the pendency 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, raising all his grounds before the concerned authority within two month from the date of receipt of this order. 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)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025.
Transmission Date	

