

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2185 of 2018**

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Babita Kumari W/o Chandrashekhar Azad, Resident of Ziauddinchak,  
Panchayat-Beer, P.S.-Dhanapura, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection Department, Government of Bihar, Patna
2. The Chairman, District Level Selection Committee, District-Patna.
3. The Collector-Cum-District magistrate, Patna.
4. The Sub Divisional Officer, Masaurhi.
5. The Additional District Supply Officer, Masaurhi.
6. The Block Supply Officer, Dhanarua.
7. Smt. Kiran Kumari, W/o Onkar Prasad, Resident of Village-Siria, Post-Pabhera, Panchayat-Pabhera, P.S.-Dhanarua, District-Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : M/s Dhananjaya Nath Tiwari  
Diksha Kumari, Advocate

For the Respondent/s : Mr.Arvind Ujjwal- SC4

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**

**ORAL JUDGMENT**

**Date : 24-06-2025**

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

“ ..... for quashing the part of memo no. 05/Mu/Aa dated 05.10.2017 by which the respondent no. 7 (Kiran Kumari roster sl. no. 284) has been selected as PDS dealer for revenue village-Siria Panchayat-Pabheda under Dhanarua Block in place of petitioner on the ground that the mother-in-law of the petitioner namely



Urmila Devi is a PDS dealer having license no. 75 of 2007 and further be pleased to direct the authorities to appoint the petitioner as PDS dealer in revenue village-Siria because the petitioner is at sl. no. 1 in the panel of the selection list.”

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. Section 32(iii) 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.”

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available



under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that she intends to file an appeal before the concerned District Magistrate, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned District Magistrate to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal petition within four weeks from the date of receipt of this order before the concerned District Magistrate. The delay in filing the appeal shall be condoned by the District Magistrate, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.

7. Interlocutory Application(s), if any, shall



stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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