

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5338 of 2018

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Jagdish Paswan Son of Late Kishun Paswan, Resident of Village- Milki Tola,
P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Food and Civil Supplies,
Government of Bihar, Patna.
3. The Collector-cum-Chairman of District Level Fair Price Shop Selection
Committee, Darbhanga.
4. The District Supply Officer, Darbhanga.
5. The Sub-Divisional Officer, Benipur, Darbhanga.
6. Ashok Ram, Son of Upendra Ram, Resident of Village- Chak Manuar,
Milki, P.S.- Bahera, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumarm Adv.
For the Respondent/s : Mr.Arvind Ujjwal- SC4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 12-09-2025

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

*“(i) For issuance of a writ in the
nature of certiorari or any other
appropriate Writ, order or direction for
setting aside the order vide Memo No.
448 dated 02.06.2011 issued under the
signature of respondent No. 3 i.e., the
Collector-Cum-Chairman of District
Level Fair Price Shop Selection*



Committee, Darbhanga, whereby and whereunder the application of the petitioner for being appointed as a dealer under the Public Distribution System, Control Order, 2001 in the reserved category has been rejected by the Selection Committee on the ground that at present no vacancy is left over for appointment as dealer under the Public Distribution System (hereinafter referred to as PDS, only) within Gram panchayat Mohiuddinpur Pakari, Block-Alinagar, further the Department has stopped since earlier the appointment of dealer under PDS.

(ii) For issuance of a writ in the nature of certiorari or any other appropriate writ, order or direction commanding upon the respondents to appoint the petitioner Distribution System within Gram Panchayat Mohiuddinpur Pakari, Block- Alinagar as in the selection process the name of the petitioner was found to be more appropriate for being appointed under reserved category in comparison to respondent No. 6.

(iii) For holding that the act of respondents by denying the



appointment of petitioner as dealer under Public Distribution System is arbitrary, illegal and not justifiable in the eye of law.

(iv) For issuance of any other writ, order or direction which your Lordships may deem fit and proper in the fact and circumstances 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 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)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.09.2025
Transmission Date	

