

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22178 of 2018

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Ramsagar Yadav Son of Sri Matvar Yadav, Resident of village Durgauli, P.S.
Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary food and consumer supply protection Department, Govt. of Bihar Patna.
2. The Collector Madhubani.
3. The Subs Divisional officer Benipatti Madhubani.
4. The Block Supply officer, Benipatti, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Adv.
For the Respondent/s : Mr.S. Raza Ahmad

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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:

*“That this is an application for
issuance of an appropriate writ(s),
order(s), direction(s), directing the
respondents authorities to prepare the
provisional merit list as per roster for
granting the license of P.D.S. shop in
Manpaur to roster Panchayat and after
preparation of merit list according to
grant the license of P.D.S. shop to the
petitioner as he has fulfilled all required
criteria for the license of P.D.S. shop
and grant any other consequential*



benefits to which he may be found entitled in accordance with law.”

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	22.08.2025
Transmission Date	

