

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21844 of 2019

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Phulo Kumar Paswan @ Phulo Paswan Son of Jangbahadur Paswan Resident
of Village- Karhalia, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector- Cum- Chairman District Selection Committee, Darbhanga, District- Darbhanga.
3. The Sub- Divisional Officer- Cum- Licensing authority Sadar, Darbhanga, District- Darbhanga.
4. Jaynath Paswan Village- Mabbi, P.O.- Sahwajpur, P.S.- Sadar, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr.S.Raza Ahmad (Aag5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 30-07-2025

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

“For issuance of an appropriate writ, order or direction for quashing the decision passed by the District Selection Committee in a meeting under the signature of the Collector, Darbhanga-cum-Chairman, District Selection Committee with others authorities concerned by which name of the petitioner whose name has early been recommended by the same committee as



No. 7 for issuance of P.D.S. licence in merit list has not been selected only on a sole ground that the petitioner is belonging in a joint family after objection and further may direct the S.D.O., Sadar, Darbhanga to cancel the P.D.S. license of one Jaynath Paswan issued in the place of the petitioner because no any order for the same has been served to the petitioner for the same and to issue license in the name of the petitioner for which he is entitle 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 representation 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 representation, the writ petition is disposed of with a direction to the petitioner to file representation within one month from the date of receipt of this order before the concerned authority. The delay in filing the representation 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.07.2025
Transmission Date	N/A

