

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12093 of 2018

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Geeta Devi Wife of Sri Amit Mukhiya resident of Village- Punach P.O.,
Kothram, Panchayat Baghrasi, Block-Gaura Bauram, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Darbhanga-cum-Chairman, District Selection Committee, Darbhanga.
3. District Supply Officer, Darbhanga-Cum-Secretary, District Selection Committee, Darbhanga.
4. Sub-divisional Officer, Sadar, Darbhanga District- Darbhanga.
5. Senior Deputy Collector, Darbhanga District Darbhanga.
6. District Co-operative Officer, Darbhanga District- Darbhanga.
7. Assistant District Supply Officer, Sadar Darbhanga District - Darbhanga.
8. Sub-divisional Officer, Biraul, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Adv.
For the Respondent/s	:	Mr. S.Raza Ahmad -AAG-5
		Mr. Gopal Jha, Adv.
		Mr. Shree Pal Jha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 01-09-2025

1. The writ petition is filed for the following

reliefs:-

(i) Issuance of a writ in the nature of certiorari for quashing the approved selection list so for related to Respondent of issued for Baghrasi Panchayat Block Gaura Bauram, Sub-division-Biraul for issuance of P.D.S. licence where under selection of Respondent no.



9 has been made on the basis of incorrect information furnished by Respondent no. 9 without verifying the records as also by rejecting the objection on nonest ground.

(ii) Issuance of an appropriate direction to Respondent 2 to 8 in general and Respondent no. 8 in particular to produce a copy of licence issued in favour of Respondent no. 9 and on its Production, quash the same by issuing a writ in the nature of certiorari because the Respondent no. 9 is not residing in Gram Panchayat baghrasi under Block Gaura Bauram, Sub-division Biraul as required under clause-3 of the Advertisement.

(iii) Issuance of consequential writ in the nature of Mandamus directing and commanding the Respondents to issue P.D.S. licence in favour of petitioner who is resident of Panchayat Baghrasi and fulfills all other criteria as fixed in the Advertisement.

(iv) Issuance of an



appropriate declaration that since Respondent no. 9 has furnished the incorrect information about her candidature, her candidature is fit to be rejected and if P.D.S. licence has been issued in her favour, it is fit to be cancelled and appropriate action is required to be taken against Respondent no. 9 under clause 10(X), last clause of the Advertisement and consequently Respondents are required to issue P.D.S. licence to petitioner.

(v) Any other relief or reliefs be granted to petitioner to which he is found to be entitled to 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.

32. (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. It is needless to state that before passing any order, the Divisional Commissioner shall hear the parties.

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.09.2025
Transmission Date	

