

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15475 of 2018

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Pooja Kumari W/o-Harinandan Kumar Manjhi, R/o Village-Barhmottar, P.S.-
Baheri, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate-Cum-Chairman of the District Selection Committee,
Public Distribution Syste
3. District Supply Officer-cum Secretary of the District Selection Committee,
Darbhanga.
4. Sub Divisional Officer, Benipur, Darbhanga.
5. District Selection Committee of the Public Distribution System, Darbhanga
through its Chairman, Dis
6. Khushbu Kumari, Shudesh Ram, R/o Village-Kumhradih, P.O.-Gajrauli
Ramouli, P.S.-Baheri, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur
For the Respondent/s : Mr.S.Raza Ahmed -Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 11-07-2025

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

*“(i) For quashing the order dated
19.05.2018 passed by the District
Selection Committee of the Public
Distribution System, Darbhanga(R.5)
whereby the recommendation of the
petitioner for fair price ship license under
the Public Distribution System in Gram
Panchayat Raj GujrauliRamouli in Baheri*



Block of Darbhanga district has been cancelled and instead selection of private respondent 6 (Khushbu Kumari) recommended.

(ii) For direction to the District Selection Committee of the Public Distribution System, Darbhanga (R.5) to finally select and recommend the name of the petitioner for fair price shop license under the Public Distribution System in Gram Panchayat Raj Gajrauli Ramouli in Baheri Block of Darbhanga District.

Furthermore any other writ(s) may be issued, direction(s) given or order(s) passed which the petitioner is entitled to in the facts 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. 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 he 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 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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.07.2025
Transmission Date	N/A

