

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21414 of 2018

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Sarswati Kumari @ Sarswati Devi Wife of Rajkishore Sharma Resident of
village Post office Vina, P.s. Distt. Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Supaul
3. The Additional District Magistrate, Supaul
4. The Dupty Development Commissioner, Supaul
5. The District Supply Officer, Supaul
6. The Director D.R.D.A., Supaul
7. The Sub-Divisional officer, Supaul
8. madhumala Kumari Wife of Ganesh Kumar Mandal resident of village -
Vina, P.s. Distt. Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal -Sc4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 12-08-2025

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

“(i) Issuance of a
direction, order or writ including
writ in the nature of Certiorari
quashing the proceedings of
District Level Selection
Committee dated 18.08.2018
convened by the District



Magistrate, Supaul for invitation of application for license of Fair Price Shop of Public Distribution System by which the name of the petitioner was struck down from the said list with illegal cause/malafide intention and name another person was inserted in the said list.

(ii) Issuance of a direction, order or writ including writ in the nature of Mandamus commanding the concerned respondent authorities specially the District Magistrate, Supaul for granting the petitioner as dealer of public distribution system in the related panchayat of Supaul district according to provisional merit list dated 05.05.2018 issued/published by the S.D.O., Supaul and after inspected/investigated an amended selection list dated 20.07.2018 issued/published by the District Level Selection Committee/her eligibility and qualifications.



(iii) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present 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 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 observations, the Writ petition shall stand disposed off.

8. Interlocutory Application(s), if any, shall stand disposed off.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2025
Transmission Date	

