

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19652 of 2018

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Rajesh Kumar Son of Prameshwar Choudhary, Resident of Village- Kunjha
Panchayat- Masaurha, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Officer-cum-Collector, Nawada.
3. The District Supply Officer, Nawada.
4. The District Sub-Divisional Officer, Nawada.
5. The Block Supply Officer-cum-Marketing Officer, Nawada.
6. Abhay Shankar, Son of Naresh Kumar Suman, Resident of Village-
Domavar, Panchayat- Masaurha, P.S.- Nardiganj, District- Nawada.
7. Ajay Kumar, Son of Jagdish Choudhary, Resident of Village- Domavar,
Panchayat- Masaurha, P.S.- Nardiganj, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha
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) For issuance of a writ in the
nature of mandamus directing and
commanding the respondents to issue
new licence of fair price shop under
Public Distribution System on the
vacant seat of Masaurha Panchayat
under Nardiganj Block of the district of
Nawada for which the petitioner has



applied in pursuance of advertisement No. 01/2017 issued by the Sub-Divisional Office, Nawada and also appeared in canceling, the petitioner has fulfilled all the criteria laid down under "Bihar Targeted Public Distribution System (Control) Order, 2016", but the respondents have adopted pick and choose policy on irrelevant ground against the provision contained in Bihar Targeted Public Distribution (Control) Order, 2016 and selected Abhay Shankar, who applied on the basis of resident of Masaurha Panchayat but in fact he is resident of district Gaya and another selected candidate namely, Ajay Kumar, who also applied on the basis of resident of Masaurha Panchayat but in fact he is originally resident of District Nalanda.

(ii) Further for issuance of writ in the nature of certiorari quashing the selection of Abhay Shankar (respondent No. 6) and Ajay Kumar (respondent No. 7) who have been selected for issue new licence of fair price shop under Public Distribution System on the vacant seat of Masaurha Panchayat in pursuance of advertisement No.



01/2017 on irrelevant ground and against the provision contained in Bihar Targeted Public Distribution (Control) Order, 2016 because both are not the resident of said Panchayat, secondly there are 02 vacant seats under Masaurha Panchayat in which one reserved for Schedule Caste (SC) and another is General seat rather both applied on SC category.

(iii) For issuance of any other writ/writs/relief/reliefs for which the petitioner found entitled in the fact and circumstances of this 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	

