

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20389 of 2018

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Deepak Sharma Son of Umesh Prasad Sinha, Resident of Village-Maha Nandpur, P.S.-Akbarpur, 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 Sub-Divisional Officer, Rajauli Nawada.
5. The Block Supply Officer-Cum-Marketing Officer, Rajauli, Nawada.
6. Ramashish Kumar, Son of Dinanath Thakur, Resident of Village-Sanokhara, P.S.-Akbarpur, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Adv.
For the Respondent/s : Mr.Arvind Ujjwal- SC4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 11-08-2025

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 license fair price shop under public Distribution system on the Vacant Seat of Barhail Panchayat under Akbarpur Block of the district Nawada for which the petitioner has applied in pursuance of advertisement No. 01/2017 issued by the Sub-Divisional Office, Rajauli, Nawada and also appeared in counseling, the



petitioner has fulfilled all the criteria laid down under "Bihar Targated Public Distribution System (control) order 2016 but the respondents has adopted pick and choose policy on irrelevant ground against the provision contained in Bihar Targated Public Distribution (Control) Order 2016 and selected B.C. category applicant, namely, Ramashish Kumar (Respondent No.6), who also applied on the basis of saying as obtained high marks in computer eligibility test, further qualifications other four applicants are graduate pass out of 13 applicant and of District level selection approval committee decision has been taken for selection of issue new license on general category seat. Where as in 14 applicant nine are graduate passed out of which the petitioner is sole applicant who is graduate in computer (B.C.A.) and belongs from general category.

(ii) Further for issuance of writ in the nature of certiorari quashing the selection of Ramashish Kumar (respondent No.6), who has been selected for issue new license of fair price shop under public Distribution system on the Vacant seat of Barhail Panchayat in



pursuance of advertisement No. 01/2017 on irrelevant ground and contained in against the provision of Bihar Targeted public distribution (Control) Order 2016 on the basis of saying as obtained high marks in computer eligibility test, further qualifications other four applicant are graduate pass out of 13 applicant and approval of selection District level committee decision has been taken for selection of issue new license on general category seat. Where as 14 applicant nine are out graduate passed of which the petitioner is sole applicant who is graduate in computer (B.C.A.) and belongs from general category and higher in age group as well as ignoring Self Help Group for which special provision and priority shall be given vide letter No. 2928 dated 20-6-18 issued by Food and Consumer Protection Department Government of Bihar, Patna (which order is under challenge in this writ application as contained in Annexure-4 to this writ application).

(iii) For issuance of any other writ/ writ /relief (s) 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 observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.08.2025
Transmission Date	

