

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21707 of 2018

Indrajeet Kumar Yadav @ Indrajeet Kumar, Son of Shivmurat Singh
@Shivmurat Yadav, Resident of Village-Maraicha, P.s.-Karamchat, District-
Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar the Secretary, Rural Development Deptt., government of Bihar.
2. The Secretary of Food and Civil Supply Deptt., Bihar at Patna.
3. The Special Secretary, food and Consumer protection. Department, Bihar at Patna.
4. The Deputy Director of Food, Patna Division, Patna,
5. The District Magistrate cum President of District Selection Committee, Kaimur at Bhabua.
6. The Additional Collector, Kaimur at Bhabua.
7. The Deputy Development Commissioner, Kaimur at Bhabua.
8. The Assistant District Supply Officer, Bhabua, District-Kaimur at Bhabua.
9. The Sub divisional Officer, Bhabua, District-kaimur at Bhabua.
10. The Block Development Officer, Rampur, Block-Rampur, District-Kaimur at Bhabua.
11. Sujit Kumar Singh son of Baijnath Singh, resident of village-Amaon Panchayat, Amaon, P.S.-Rampur, District-Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-08-2025

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

“(i) For issuance of an appropriate writ/order/direction including a writ in the nature of certiorari to quash the selection for issuance a license for P.D.S. Dealer to the Sujit Kumar Singh (Respondent no.11) Serial No. 44 belongs to the Amaon Panchayat in Rampur Prakhanda



under Bhabua Subdivision through the letter No. 692 dated 19-9-2018 issued by the respondent no. 5 (Selection committee presiding by the District Magistrate, Kaimur at Bhabua) and for issuance a direction to the respondents for issue a license for P.D.S. Dealership of amaon Panchayat in favour of the petitioner in place of respondent no. 11 under Backward Class category and/or pass other and further order which the petitioner is entitled to.

(ii) For grant of such relief(s), the petitioners would be found entitled to the facts and in the 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 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	21.08.2025
Transmission Date	

