

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21872 of 2018

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Gita Kumari W/o Akhilesh Yadav, Resident of Ward No. 9, Panchayat- Rauta,
Block- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chairman, District Level Selection Committee, District - Madhepura.
3. The Collector-cum-District Magistrate, Madhepura.
4. The District Supply Officer Madhepura.
5. The Sub Divisional Officer, Udaykishunganj, Madhepura.
6. The District Cooperative Officer, Madhepura.
7. The Land Reforms Deputy Collector, Madhepura. null null
8. Manju Devi, W/o Jay Kumar Yadav, Panchayat- Rauta Block- Kumarkhand,
District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anant Kumar-1, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad -AAG-5
For the res. No. 8	:	Mr.Rajeev Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-08-2025

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

“For quashing the selection
of respondent no. 8 (Manju Devi) as
PDS dealer for Rauta Panchayat
under Kumarkhand Block whose
name stands at Serial No. 3 of the
Selection Committee List issued
date not mentioned by the Selection



Committee (Respondent No. 2 to 7) and further be pleased to direct the Competent Authorities to appoint the Petitioner as PDS Dealer for Panchayat Rauta under Block Kumarkhand, District-Madhepura because the Petitioner has having better qualification i.e. the Petitioner has passed Intermediate having 61.6% marks and is also having Computer Certificate whereas the Respondent No. 8 is only Matric having 56.71% marks and in terms of notification the Selection Committed was required to select finally the Petitioner on the basis of better educational qualification”.

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 complaint/application 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 complaint/application, the writ petition is disposed of with a direction to the petitioner to file complaint/application within one month from the date of receipt of this order before the concerned authority. The delay in filing the complaint/application 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 of.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2025
Transmission Date	

