

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21546 of 2018

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Md. Ali Imam Son of Md. Kasim, Resident of Village- Basauli Ganaun, Post-
Ganaun, Police Station- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Food and Civil Supply, Government of Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The District Magistrate, Darbhanga.
5. The District Supply Officer, Darbhanga.
6. The Sub-Divisional Officer, Biraul cum Member District Selection Committee, PDS, Darbhanga.
7. Ashok Kumar Yadav, Son of Raj Bali Yadav, Resident of Village- Dathua, Police Station- Ghanshyampur, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv.
For the Respondent/s : Mr. Arvind Ujjwal -SC-4

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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 an appropriate Writ/ Writs, Order/ Orders, Direction/Directions to the respondent to give PDS shop to the petitioner as per Advertisement issued in daily news paper by the respondent No. 5 in the district of Darbhanga for Biraul Sub-Division



as he is more qualified and having more merit marks than the private respondent No. 7.

II. For issuance of an appropriate Writ/Writs Order/Orders, Direction/ Directions to the respondents to cancel the PDS shop of the private respondent No. 7, who was granted PDS shop in Gram Panchyat- Ganaun in Block Ghanshyampur even though he was lower merit marks than the petitioner.

III. To such pass other order/orders, as your lordships may deem fit and proper in the facts 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. Section 32(iii) 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.”

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned authority, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned authority to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within four weeks from the date of receipt of this order



before the authority concerned. The delay in filing the appeal shall be condoned by the concerned authority, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.08.2025
Transmission Date	

