

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22363 of 2018

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Sajid Hussain S/o Abdul Sattar, Resident of Village- Budhma Lakhraj, P.S.-
Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Food and Consumer Protection Deptt,
Old Secretariat, Patna
2. The District Level Selection Committee, Madhepura through its Chairman.
3. The District Magistrate, Madhepura.
4. The Sub-Divisional Officer, Madhepura.
5. The Block Supply Officer, Madhepura, Madhepura.
6. Naushad Alam, Son of Md. Saud Alam, Resident of Village- Budhma
Lakhraj, Ward No. 12, P.S. District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.
For the Respondent/s : Mr.S.Raza Ahmad -Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-08-2025

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

*“(i) Quashing the final selection
list issued under the signature of
respondent nos. 2 to 4 by name which
the of respondent no.6 be
recommended for grant of PDS license
Budhma Panchayat, in Bhadul
Madhepura without deciding the
objection filed by the petitioner on
04.09.2018 in terms of publication of
provisional merit list in the website on
01.09.2018 by which also asking an*



objection by the aggrieved persons on or before 06.09.2018.

(ii) Further the respondent be directed specially respondent no. 3 to decide the objection filed before him on 04.09.2018 by a reasoned order before grant of PDS license in Bhadul Budhma Panchayat.

(iii) Further be pleased to direct the competent authority to grant license in favour of the petitioner in Bhadul Budhma Panchayat."

2. Subsequently, an I.A. No. 01/02019 has been filed on 18.02.2019 for modification in the prayer of the Writ application which reads as follows:-

That the present interlocutory application is being filed for modifying the prayer of the present Writ application to extend and also to challenge the Final Selection List dt. 11.12.2018 under the signature of Respondent Nos. 2 to 4 by which the name of Md. Rizwan Alam who applied under the EBC category be selected against General Category for grant of PDS license in Bhadaul Budhma Panchayat, Madehpura and further be



added Md. Rizwan alam as Respondent No. 7.

3. I. A. No. 01 of 2019 is hereby allowed.

4. However, 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.

5. 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.

6. 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.

7. 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.

8. 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.

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

(G. Anupama Chakravarthy, J)

AMANDEEP/-

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

