

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24943 of 2018

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Nawal Kishor Ram S/O Ramjeet Ram, Res/ vill - Ashafisav Tola Ward No. - 10, P.S. Turkaliya Panchayet Turkaliya, Distt. - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Food and Consumer Protection Deptt. State of Bihar, Patna
2. The District magistrate Motihari, East Champaran Cum chairman, District Selection Committee, Motiha
3. The S.D.O Sardar Motihari, East Champaran cum Member D.S.C. Motihari.
4. The District Supply officer Motihari East Champaran, cum Member, DSC, Motihari.
5. The Senior Dy Collector, Motihari cum member D.S.C, Motihari.
6. The District corporatvie officer, Motihari cum D.S.C, Motihari.
7. The SDO, Chakia, Arerarj Sikharhaua, Raxaul, pakridyel cum member DSC, MOtihari.
8. Kundan Kumar S/O Shiv naranyan Ram, Res/ Vill. PUrwaritola, Ward no. 7, P.S. Turkaliya Distt - East

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.S.Raza Ahmad -Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-08-2025

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

“(i) For issuance of an appropriate Writ/Writs order/orders direction to quash the order of District Selection Committee presided by D.M. Motihari-cum-President District Selection Committee, East Champaran



dated 27.10.2018 (respondent No. 2 at Annexure-6 by which respondent No. 8 (Kundan Kumar) has been selected for PDS license in Turkauliya West Gram Panchayat, East Champaran, Motihari. It is further prayed to direct the respondents to appoint the petitioner for PDS license in Turkauliya West Gram Panchayat, Motihari.

(ii). It is further prayed to stay the order of issuing PDS license to respondent No. 8 (Kundan Kumar) till final decision of the case.

(iii) For issuance of any other relief/reliefs as your Lordship may deem fit and proper for ends of justice.

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 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	01.09.2025
Transmission Date	

