

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24486 of 2018

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Shabnam Kumari Daughter of Kamalkant Yadav Resident of Village-
Janakpur, P.S.-Sangrampur, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Civil Supply,
Government of Bihar,
3. The District Magistrate, Munger at Munger, District-Munger.
4. The District Supply Officer, Munger at Munger, District-Munger.
5. The District Co-operative Officer, Munger at Munger, District-Munger.
6. The Sub Divisional Officer, Tarapur at Tarapur, District-Munger.
7. The Circle Officer, Tarapur at Tarapur, District-Munger.
8. The Marketing Officer, Sangrampur, District-Munger.
9. Tony Kumari Wife of Hamanshu Kumar, Resident of Village-Prithivi Chak,
P.O.-Saurha, P.S.-Sangrampur, District-Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Respondent/s : Mr.Arvind Ujjwal

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 19-09-2025

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

*“For issuance of a writ in the
nature of certiorari to quash the part of
proceeding dated 30.7.18 of District Level
Selection committee for issuing license
for shops under Public Distribution
System by which the selection committee
has taken a decision to reject the*



recommendation in favour of petitioner sent by S.D.O. Tarapur prepared on the basis of required qualification in the advertisement and taken decision to grant license for shop in Didarganj - Panchayat under Sangrampur Block to Tony Kumari (Respondent No. 9) and further for a writ in the nature of mandamus commanding the respondents to re-consider the recommendation in favour of petitioner and take a final decision accordingly and further for consequential benefits flowing from the said relief.”

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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.09.2025
Transmission Date	N/A

