

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24665 of 2018

Khushbu Kumari @ Khushboo Kumari wife of Naresh Sharma resident of Mohalla-Adarsh Nagar, Ward No. 08, P.O. and P.S-Madhepura, District-Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Bih
2. The District Magistrate, Madhepura, District-Madhepura.
3. The, District supply officer, Madhepura.
4. The, Sub Divisional Officer, Madhepura, District-Madhepura.
5. The, Block Supply Officer, Madhepura, District-Madhepura.
6. Roushan Khatoon D/o Md. Sanjur resident of Mohalla-Adarsh Nagar, Ward No.08 and P.S.-Madhepura, District-Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Dubey, Adv. Ms. Sheshadri Kumari, Adv. Mr. Shashank Kashyap, Adv. Mr. Kumar Gaurav, Adv.
For the Respondent/s	:	Mr.Arvind Ujjwal -Sc4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-08-2025

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

“(i) For issuance of writ in the nature of command directing the respondent authorities to cancel the selection of respondent No. 6 as PDS dealer for ward No. 8, Madhepura Nagar Parishad and to select the petitioner as PDS dealer in place of



respondent No. 6 since she is having more qualification than her.

(ii) For issuance of direction to the respondent authorities to dispose of the representation of the petitioner as filed by her on different dates and passed reasoned order.

(iii) For any other writ/writs, order/orders for which, the petitioner deemed entitled to.”

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.

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 shall file a complaint/application before the Divisional Commissioner.



5. The Learned counsel for the petitioner contended that he has already filed a representation before the Divisional Commissioner which is still pending. However, he intends to file a fresh 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 law.

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 Divisional Commissioner. 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	22.08.2025
Transmission Date	

