

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22092 of 2018

Subhash Kumar Yadav Son of Shri Tuntun Rai Resident of Village- Hilsar
Tola, Police Station- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Saran Division, Chapra.
4. The District Magistrate, Siwan.
5. The Sub Divisional Officer-Cum-Licensing Authority, Maharajganj, District- Siwan.
6. The District Supply Officer, Siwan.
7. The Block Supply Officer, Bhagwanpur Hat, District- Siwan.
8. Vijay Kumar Son of Ramadhar Ram Resident of Village- Brahmsthan, Block- Bhagwanpur Hat, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Singh, Advocate
For the res. No. 8	:	Mr.Md.Aslam Ansari, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal -SC-4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-08-2025

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

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the memo no. 17 dated 20.07.2018, issued under the signature of the District Magistrate, Siwan at serial number 138, Block-



Bhagwanpur Hat, Gram Panchayat Raj Brahmsthan, District - Siwan, by which, the private respondent Vijay Kumar, who is at serial no. 2 has been granted the license of the Public Distribution System (PDS) and the petitioner, who is at serial no. 1 has been denied the licence of PDS erroneously with the connivance of private respondent and respondent authorities concerned.

(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to grant the license of PDS in favour of the petitioner as the petitioner is the genuine candidate at serial number 1 and by removing/ detaching his certification of Diploma in Computer Application, the petitioner has been deprived the license of PDS and the private respondent, who is at serial number 2 and son of the Ward Member for whom, there is restriction that he will not be granted the license of the PDS but due to connivance of the respondent authorities concerned, he has been granted the license.



(iii) For issuance of an appropriate writ in the nature of prohibition by restraining the authorities concerned to not issue license in favour of the private respondent Vijay Kumar, who is at serial number 2 in the list, as his father Ramadhar Ram, is Ward Member in Ward No. 11 and there is restriction that no representative of the panchayat i.e. ward member will be given license of PDS and, therefore, the said private respondent is not at all entitled to get the license of PDS, as he is below the petitioner in the list and the son of the Ward Member.

(iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent District Magistrate, Siwan to dispose of the representation / objection of the petitioner by reasoned and speaking order by redressing the genuine grievance of the petitioner by granting the license of PDS in favour of the petitioner for Gram Panchayat Raj Brahmsthan, Block - Bhagwanpur Hat, District - Siwan.



(v) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner will be found entitled in the facts and circumstances of the 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 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 observations, the Writ petition shall stand disposed of.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2025
Transmission Date	

