

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24230 of 2018

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Arun Kumar S/o Rambali Yadav R/o Village- Malha-chak, P.S.- Atri, District- Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Deptt. of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. The District Co-operative Officer, Gaya.
5. The Sub Divisional Officer, Neemchak Bathani, Khizersarai, Gaya.
6. The Block Supply Officer/Inspector, Atri Block, Gaya.
7. Manoj Kumar Mandal S/o Yugeshwar Prasad R/o Village Rangpur, P.S.- Atri, Distt- Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brijeshwar Narayan Singh, Adv.
For the Respondent/s : Mr.S. Raza Ahmad

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-09-2025

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

“(i) For issuance of an appropriate writ/order/direction in the nature of Mandamus quashing the impugned Letter of intimation dt. 08.10.2018 issued by respondent No. 5 as well as the merit list published by respondent No. 5 informing the petitioner of rejection of his objection to selection of respondent No. 7 for



issuance of Public Distribution Shop (PDS) license at village Jajparsi under Chakra Panchayat in Atri Block, Neemchak Bathani Sub division of Gaya District under the provisions of Targeted Public Distribution system (Control) Order, 2016 (under EC Act, 1955) and further for issuance of direction to respondent No. 5 to reconsider his decision and take a decision in a fair and transparent manner regarding issuance of PDS License for the said vacancy (Code 237).

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	10.09.2025
Transmission Date	

