

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24819 of 2018

=====

Pappu Kumar Yadav son of Moti Lal Yadav resident of village- Kamalpur,
P.S. Rahika, District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The collector, Madhubani
3. The Sub-Divisional Officer, Sadar, Madhubani
4. The District Supply Officer, Madhubani
5. The Block supply Officer, Rahika, Madhubani
6. Sunil Kumar Yadav son of Jawaharlal Yadav, resident of village- Kamalpur,
P.S. Rahika, District- Madhubani

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Saroj Kumar
For the Respondent/s : Mr.Arvind Ujjwal -Sc4

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-10-2025

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

“For issuing a writ in the
nature of Mandamus and/or any
other appropriate writ order or
direction to the respondent to
consider the case of the petitioner
for selection as P.D.S. dealer for
Kakraul North Gram Panchayat, Block
Rahika, Sub-Division and District-
Madhubani who has been placed at
Sl.No. 6 in the final Merit list dated



28-9-18 illegally on the ground that his cousin has flour mill whereas his name was at Sl.no. 1 in the provisional merit list and the person placed at Sl. No. 2 in the said provisional list was placed at Sl.No.1 and reason has been given in column 10,11 and 13 of the final merit list and his name has been recommended.

And further for a direction to restrain the respondents not to proceed with the matter.”

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)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.10.2025
Transmission Date	

