

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6070 of 2023

Manju Devi Wife of Ram Vilash Mahto Resident of Village- Mirapur, Tole Mohanpur, Post Office- Mirapur, Block- Muraul, Police Station- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food Supply and Consumer Protection, Government of Bihar, Patna.
2. The Director, Food Supply and Consumer Protection, Government of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division/Commissionery, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The District Supply Officer, Muzaffarpur.
6. The Sub-Divisional Officer, Muzaffarpur (East), District Muzaffarpur.
7. The Block Development Officer, Block- Muraul, District- Muzaffarpur.
8. The Block Supply Officer, Block- Muraul, District- Muzaffarpur.
9. Pinki Kumari, Wife of Ram Binay Kumar Resident of Village Mohammadpur, Gokhul, Post Office- Pilkhi, Police Station- Sakra, District- Muzaffarpur at present Daughter of Late Ram Chandra Sahni, resident of Village- Dedaul, Post Office- Mirapur, Police Station- Sakra, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. NK Agarwal, Sr. Adv. Mr. Jay Prakash Sharma, Adv. Mr. Dhananjay Tiwari, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal (Sc 4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-07-2026

1. The petitioner has filed the Writ petition for the following reliefs:

“i. For issuance of an order, direction or a writ of certiorari for quashing and setting aside the order dated 27.02.2023 (Annexure-10) passed in P.D.S. Revision Case No. 335 of 2022 (Manju Devi Vs The State of Bihar &



Others) passed by Respondent No.3 whereby and whereunder the Revision Case filed by petitioner has been rejected and the order of District Selection Committee has been uphold.

II. For issuance of an order, direction or a writ of certiorari for quashing and setting aside the order passed by District level selection committee Muzaffarpur whereby and whereunder the said committee has permitted the respondent No.9 to supplement her candidature in the category of the general, 1067 unreserved female, who never applied Originally in said category, rather has applied in the category unreserved for Extremely backward class (E.B.C.) for the shop No.1066 and failed to select in the said category.

iii. For issuance of an order, direction or a writ of certiorari for quashing and setting aside P.D.S. Licence No. 23-02-05-04/2019 (Annexure-4) issued to run the issued P.D.S. Shop under Gram Panchayat Raj Mirapur, Tole Mohanpur under Muraul Block,



District Muzaffarpur issued by Respondent No.06 (S.D.O. Muzaffarpur (East), District Muzaffarpur) in favour of Private Respondent No.09.

iv. For issuance of writ in the nature of mandamus commanding and directing the respondent No.7 and 8, The B.D.O. Muraul as well as block Supply officer, Muraul, District Muzaffarpur respectively produce the entire Original record (including the applications of all the candidates) concerned to the Muraul Block which reveal/reflect the details and total no of applicants in the different category, who applied originally for the P.D.S. Licence for the particular shop at the relevant time.

V. For issuance of writ in the nature mandamus, commanding and directing the respondent (Spl. Respondent No.6) to issue the P.D.S. Licence in favour of the petitioner in light of the application and recommendation (Annexure-3) issued in favour of the petitioner, following due process and guidelines



issued by the department to this effect for the P.D.S. Shop No.1067 (Unreserved Female).

vi. For issuance of any other relief for which the petitioner is found entitled in the facts and circumstances of the case.

2. At the outset, the Learned Counsel for the respondents draws the attention of this Court to Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. For better appreciation of the facts of the case, Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 is reproduced hereinbelow:

“32. (vii) The Principal Secretary/ Secretary of the department may call for the records related to the order passed under the provisions of this Order by the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer suo moto or upon a representation by someone, and if he is satisfied that the Divisional Commissioner or the District Officer or the licensing authority or the



Sub Divisional Officer

(a) has exercised such powers which are not entrusted to him,

(b) has exercised his powers illegally without considering the facts of the case,

(c) has failed in use of his powers, he may pass an order which he thinks fit.”

4. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents.

5. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of filing a representation available under Section 32(vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

6. Taking into consideration, without going into the merits or demerits of the case, that the petitioner has an alternative remedy of filing a representation before the Principal Secretary, under Section 32 (vii) of the Bihar Targeted Public



Distribution System (Control) Order, 2016 against the impugned orders, the writ petition is disposed of with a direction to the petitioner to file the representation within four weeks from the date of receipt of this order before the Principal Secretary. The delay in filing the representation, if any, shall be condoned by the Principal Secretary, and the authority shall dispose of the representation within three months from the date of filing of the same.

7. It is needless to mention that before passing any order, all the concerned parties shall be put on notice and given an opportunity of hearing. Any order passed shall be communicated to the party.

8. With the above observations, the present writ petition stands disposed of.

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

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2026
Transmission Date	

