

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10849 of 2019

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Santosh Kumar Son of Daresh Rai R/o Village-Sahila Rampur, P.S.-Hathauri,
Panchayat Sahila Rampur, Prakhand Bochahan, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna
3. Additional Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna
4. District Magistrate Muzaffarpur
5. District Supply Officer Muzaffarpur
6. Sub Divisional Officer Muzaffarpur East District-Muzaffarpur
7. Block Development Officer Bochahan, District-Muzaffarpur
8. Block Supply Officer Bochahan, District-Muzaffarpur
9. Sanjay Kumar S/o Lal Babu Rai R/o Village-Sahila Rampur, P.S. Hathauri, District-Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 23-06-2026

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

“A. to issue a writ of Mandamus or any other writ or writs, direction or directions, commanding upon the respondents to allot the fair price shop under Panchayat Sahila, Rampur P.s. Hathauri District Muzaffarpur in the name of the petitioner whose name stands in



serial No. 1 in merit list and to cancel the allotment of fair price shop in the name of Respondent No. 9 namely Sanjay Kumar whose name stands in serial No. 4 in the merit list is not recommended for allotment of fair price shop of Panchayat Sahila Rampur who has not computer knowledge, as well as his mother is Panchayat Sevika member and his father is employee in Railway.

B. To stay the allotment order in the name of respondent No. 9 till the final order passed by this Hon'ble Court.

C. To pass any such other order or orders as this Hon'ble Court think fit and proper."

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	23.06.2026.
Transmission Date	

