

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13876 of 2019

Indu Devi W/o Late Deepak Kumar Lal Resident of Village- Nandgola, Ward No.17, P.S.- Malsalami, District- Patna, D/o Late Ramesh Saw and Mother Chunni Devi, Resident of Sector 2, Market Dhurwa, P.S.- Jagarnathpur, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Selection Committee through its Chairman-cum-Collector, Patna.
3. The Special Rationing Officer, Patna.
4. The A.D.M. Supply, Patna.
5. The Deputy Rationing Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand
For the Respondent/s : Mr.S.Raza Ahmad (Aag5)

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

3 06-07-2026

1. The present Writ petition is filed for the

following reliefs:-

(i) For Challenging the of the part proceeding of meeting of District Selection Committee under the Chairmanship of District Magistrate Patna on 21.4.2015 contained in Memo No.5 whereby and whereunder the decision of selection of Petitioner on compassionate basis in a meeting of District Selection Committee dated 4.12.2014 was review on a



ground that she was not the wife of deceased PDS dealer Deepak Kumar Lal and further her application of compassionate appointment is rejected.

(ii) Challenging the order dated 10.05.2015 passed by Special Rationing Officer Patna fully contained in Memo No. 768 in response to the meeting of District Selection Committee dated 4.4.2015 by which the petitioner who have been selected on compassionate ground in a meeting dated 4.12.2014 her selection on compassionate appointment was review and further decision by the District Selection Committee to her reject application on the ground, the enquiry conducted by In-charge marketing officer vide letter no.70 showing deceased Deepak Kumar Lal died in unmarried status.

(iii) Further issue a direction to the respondent to issued a PDS License in favour of petitioner in terms of meeting of District Selection Committee dated 04.12.2014.

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)

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