

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10911 of 2023

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1. Wakil Kumar Sharma Son of Bihari Sharma, Resident of Khajechand Chhapra, P.S.- Goraul, District- Vaishali.
 2. Mukesh Sharma Resident of Village- Mansurpur Halaiya, P.S.- Goraul, District- Vaishali.
 3. Bebi Sharma Wife of Anil Kumar Sharma, Resident of Village- Ababakarpur, P.S.- Goraul, District- Vaishali.
 4. Sushil Kumar Son of Shivjee Thakur, Resident of Village- Chapath, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur.
3. The Additional Collector, Vaishali at Hajipur.
4. The Sub-Divisional Officer, Mahua, Vaishali.
5. The District Supply Officer, Vaishali at Hajipur.
6. Block Development Officer, Mahua, Vaishali.
7. The Block Supply Officer, Mahua, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-07-2026

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

I. For direction to respondent to induct the name of petitioner in the final merit list for selection in terms of advertisement roster of the reservation policy.



II. For direction to respondents to consider in the Zone of consideration for grant of licence of PDS SHOPS "Bihar Targeted Public Distribution System (Control) Order 2016 As at the time of advertisement petitioners were in category of ST Keeping in mind rule of selection may not be changed in the mid- way of selection process while now Lohar caste has been shifted in category of Extremely Backward Caste (EBC).

III. For any other relief(s) for which petitioners found entitled to in the facts of the case.

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. It is needless to mention that before passing any order the petitioner should be given a fair opportunity for hearing.

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.07.2026.
Transmission Date	14.07.2026

