

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12718 of 2023

Bindu Devi Daughter of Dashrath Bhagat and Wife of Anil Kumar Bhagat
Resident of Village- Mansurpur, P.S.- Vaishali, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate cum Collector, Vaishali.
4. The District Supply Officer, Hajipur.
5. The Sub- Divisional Officer, Hajipur.
6. The Block Supply Officer, Vaishali, Dist.- Vaishali.
7. Chunnu Kumar, Son of Gayanand Rai Resident of Village- Chak Pitamber, P.O.- Mansurpur, P.S. and Dist.- Vaishali.
8. Rajendra Rai @ Raju Rai, Son of Basgit Rai Resident of Village- Chaknathuwa, P.O.- Mansurpur, P.S. and Dist.- Vaishali.
9. Sangeeta Devi, Wife of Bhushan Ram Resident of Village- Chakmansur, P.O.- Mansurpur, P.S. and Dist.- Vaishali.
10. Savita Devi, Wife of Binod Kumar Paswan Resident of Village- Phuladh, P.O.- Mansurpur, P.S. and Dist.- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv. Mr. Keshab Raj, Adv. Mr. Anil Kumar, 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:-

*A. For cancelling the whole
selection process by which Respondent*



no.- 7 to 10 have been selected as PDS dealer in Phuladh Gram Panchayat in as much as the selection has not been made on the basis of reservation roaster of 2018 on the basis of which the advertisement was made rather the reservation roaster was changed at the fag end of the ad selection process in 2023 and selection was made ignoring the claim of the petitioner.

B. For direction to the respondent authority to act upon the reservation roaster 2018 and consider the claim of the petitioner against three persons reservation of female and grant her PDS licence on the basis of earlier recommendation.

c. And for any other relief(s) for which the petitioner is found to be entitled in the facts and circumstances 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

