

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16539 of 2019

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Vikash Kumar Son of Ramdeo Prasad Yadav Resident of Village- Navtoliya,
Post Office- Marar, Police Station- Morkahi, District-Khagaria.

... .. Petitioner

Versus

1. The State of Bihar Bihar.
2. The Commissioner Munger Division, Munger.
3. The District Magistrate Khagaria.
4. The District Supply Officer Khagaria.
5. The Sub- Divisional Officer Khagaria.
6. Raj Kumar Mandal Son of Surya Narayan Mandal Resident of Village-
Marar, Police Station Morkahi, Block- Khagaria, District- Khagaria.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Singh, Advocate
For the Respondents : Mr. S.Raza Ahmad, AAG5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 30-06-2026

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

*"(i). For issuance of writ in
the nature of certiorari or any other
appropriate writ to quash the
selection of Private Respondent in
place of petitioner for the P.D.S.
Dealer of Gram Panchayat Raj Marar
Uttari Block + District Khagaria, and
the petitioner has been deprived
from selection due to date of
issuance of Mark Sheet on
03.05.2018. It is matter of
consideration that the petitioner has
passed the Examination of Master of
Science and result Published on
12.08.2017. The Notification for*



P.D.S. Dealer Published on 22.11.2017. The petitioner is most appropriate candidate for this post under the qualification and the prescribed guidelines issued by the Government of Bihar for the P.D.S. Dealer. But the selection Committee failed to consider that the petitioner is more qualified than the private Respondent No.6 (Annexure-5)

(ii). For issuance of writ in the nature of mandamus or any other appropriate writ commanding the Respondents to select the petitioner for the P.D.S. Dealer of Gram Panchayat Raj Marrar Uttari and considered that the petitioner is appropriate candidate among other candidates applied for the P.D.S. Dealer.

(iii). For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper 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)

Shanu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

