

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18019 of 2019

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Anshu Priyadarshi S/o Late Indradeo Paswan Resident of Village Nanhku
Mandal Tola,P.S. Muffasil, Dist.Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Supply
Department,Bihar,Patna
2. The Divisional Commissioner,Munger Division,Munger.
3. The District Magistrate, Khagaria
4. The Deputy Development Commissioner, Khagaria
5. The District Supply Officer, Khagaria
6. The Sub-divisional Officer, Khagaria
7. Aman Kumar S/o Prabhu Das Resident of Village Nanhku Mandal Tola, P.S.
Muffasil, Dist.Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-06-2026

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

*(i) For issuance of any
appropriate writ or writs, rule or
direction especially in the nature
of certiorari, quashing the order
dated 10.02.2019 passed by the
learned District Magistrate,
Khagaria whereby and where
under it has been decided to issue
license for PDS shop to the private
respondent no. 7, namely Aman
Kumar even who has failed to
produced unemployment*



certificate before the respondent concerned.

(ii) For issuance of any appropriate writ or writs, rule or direction especially in the nature of mandamus directing the respondent to issue license of PDS shop under district/block/panchayat code no. KHKRMY-SC under the district of Khagaria as he has fulfilled entire terms and conditions laid down for issuance of PDS license.

(iii) For issuance of any appropriate writ or writs, rule or directions as your lordships may deem fit and proper to the facts and circumstances of the case as well as for which the petitioner may be found entitled thereto.

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."

(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	24.06.2026.
Transmission Date	

