

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13015 of 2023

Geeta Devi @ Geeta Kumari Wife of Vijay Kumar, Resident of Village Bahuarwa, Police Station Palanwa, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate cum Chairman, District Level Selection Committee (P.D.S Licence), East Champaran at Motihari.
4. The Sub Divisional Officer cum Member, District Level Selection Committee (P.D.S Licence) Raxaul, District- East Champaran Motihari.
5. The District Supply Officer, East Champaran at Motihari.
6. Sangeeta Kumari @ Sanjeeta Devi, Daughter of Ram Lal Ram and wife of Kamlesh Ram, Resident of Village- Bhaliahiya, P.S- Palanwa District- East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhirendra Kumar Jha, adv.
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc 4)
For the Res. No. 6	:	Mr. Ram Kumar Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-07-2026

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

I. For quashing the order bearing Memo No. 1146 dated 15/7/2023 issued by Sub Divisional Officer, Raxaul, District- East Champaran by which the selection of the petitioner as selected candidate for P.D.S Licence for Palanwa Jagdhar Panchayat has been cancelled in view of the decision of the District Selection



Committee. 11) For also holding the proceeding contained in P.D.S Appeal Case No. 88/2019 to be wholly bad, illegal and without jurisdiction.

III) For also holding the decision of the District Selection Committee dated 31/5/2023 to cancel the licence of petitioner of P.D.S shop as bad and illegal.

IV) For any other relief or reliefs for which the petitioner may be found 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."

(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 proper application before the Divisional Commissioner.

5. The Learned counsel for the petitioner contended that he intends to file a proper 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 application, the Writ petition is disposed of with a direction to the petitioner to file proper application within one month from the date of receipt of this order before the Divisional Commissioner/ 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	14.07.2026.
Transmission Date	

