

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14888 of 2022

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Manti Devi wife of Late Ashok Manjhi Resident of Village- Ratan Sarai
Balua Tola, Ward No. 17, Nagar Panchayat Barauli, Block office Barauli,
Under Sub-Division- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Food Supply and
Commerce, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Gopalganj.
4. The Sub-Divisional Officer, Gopalganj.
5. The District Supply Officer, Gopalganj.
6. The Block Supply Officer, Barauli, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Prabhakar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 14-07-2026

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

*(a) To issue a writ of Certiorari for
quashing the order as contained in
memo no. 5942 dated 24.09.2012
(Annexure-3) passed by
Subdivisional Officer, Gopalganj in
Supply case no. 17 of 2012 through
which after show cause notice of
cancellation only, without proper
enquiry, he has been pleased to
cancel the P.D.S. dealership License*



of petitioner bearing no. 21 of 2007 issued for running P.D.S. Shop at Nagar Panchayat Barauli, District Gopalganj.

(b) To issue a further writ of Certiorari for quashing the order dated 18.12.2012 (Annexure- 5) passed by the learned Collector, Gopalganj in Supply Appeal case no. 12 of 2012 (after calling it from possession of respondents} through which he has been pleased to dismiss the appeal filed by petitioner in illegal and arbitrary manner and on erroneous grounds on mere conjecture and surmises, affirming the order of Sub divisional Officer, Gopalganj, abovesaid.

(c) To issue a further writ of Certiorari for quashing the order dated 25.3.2022 (Annexure - 7) passed by the learned Commissioner, Saran Division, Chapra in Supply Revision case no. 153 of 2018 through which he has been pleased to dismiss the Revision application filed by petitioner dehors the rules and in illegal and without jurisdiction



manner and on erroneous grounds confirming the orders passed by the learned courts below.

(d) To issue a writ of mandamus, commanding the respondents to discharge their legal obligation and to restore the P.D.S. dealership License no. 21 of 2007 of petitioner issued for running P.D.S. Shop at Nagar Panchayat Barauli, District - Gopalganj, to save her family from starvation.

(e) To any other relief or reliefs for which the petitioner may be found entitled to.

2. At the outset, the Learned counsel for the petitioner draws the attention of this Court to Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. For better appreciation of the facts of the case, Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 is reproduced hereinbelow:

“32. (vii) The Principal Secretary/ Secretary of the department may call for the records related to the order passed under the provisions of



this Order by the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer suo moto or upon a representation by someone, and if he is satisfied that the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer

(a) has exercised such powers which are not entrusted to him,

(b) has exercised his powers illegally without considering the facts of the case,

(c) has failed in use of his powers, he may pass an order which he thinks fit.”

4. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents.

5. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has an alternative and effective remedy of filing a representation before the Principal Secretary, under Rule 32 (vii) of the Bihar



Targeted Public Distribution System (Control) Order, 2016 against the impugned order. The present Writ petition is disposed off granting liberty to the petitioner to file a representation before the Principal Secretary challenging the order of the Revisional/Appellate Authority and order of cancellation withing a period of two months from today. On such representation being made, the Principal Secretary shall pass necessary orders strictly in accordance with law.

6. Further, if there is any delay in preferring the representation, the authority shall liberally construe the limitation period as the petitioner has approached this Court within time.

7. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed within a period of two months from the date of receipt of the representation. Any order passed shall be communicated to the party.

8. With the above observations, the



present writ petition stands disposed of

9. Interlocutory Application(s), if any,
shall stand disposed of.

(G. Anupama Chakravarthy, J)

Aryan/-

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

