

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19424 of 2019

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Surendra Kumar Gupta S/o Late Basudeo Prasad Gupta Resident of Village-
Maheshkhut, Police Station- Maheshkhut, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies
Department, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector Khagaria
3. The Deputy Development Commissioner Khagaria
4. The District Supply Officer Khagaria
5. The District Co-operative Officer Khagaria
6. The Sub-Divisional Officer Khagaria
7. The General Manager District Industries Centre, Khagaria
8. Smt. Shweta Kumari D/o Sri Praveen Chaurasia, Resident of Village-
Maheshkhut, Police Station- Maheshkhut, District- Khagaria
9. Smt. Deorani Kumari D/o Sri Saroj Chaurasia Resident of Village-
Maheshkhut, Police Station- Maheshkhut, District- Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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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:-

*“ For the issuance of a writ
in the nature of Mandamus or an
appropriate writ, order or orders,
direction or directions,
commanding the respondent-
authority to allot the licence of
PDS shop for Maheshkhut
Panchayat in the name of
petitioner after cancellation of the
selection of respondent Nos. 8 and*



9 selected for the issuance of the licence for PDS shop in the same area, as the petitioner is fully entitled for licence of the PDS shop and Respondent Nos.8 and 9 have illegally been selected for the licence of the PDS shop Vide Selection List dated 10.07.2019 those earlier Vide Selection List dated 18.12.2018 their selection for licence of PDS shop were rejected and the petitioner also prays for other consequential relief for which he is entitled under the law.”

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 order 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)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2026
Transmission Date	

