

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19721 of 2019

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Rinku Kumari D/o Ramsnehi Ram, W/o Raja Ram Sharan Resident of Village
Manorathi Baghani, P.S. Runi Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Magistrate, Sitamarhi, District- Sitamarhi.
4. Smt. Chandani Kumari W/o Lakshaman Ram Village Baghari P.S.D.
Ranisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-06-2026

1. The Writ petition is filed seeking quashing of Memo No. 719 dated 20.08.2019, whereby respondent no. 4 was selected as the P.D.S. dealer for Baghai in Gram Panchayat Raj Baghai under Runisaidpur Sub-Division, District- Sitamarhi. The petitioner has further prayed for issuance of an appropriate direction commanding the respondents to consider his candidature for selection as P.D.S. dealer for Village Manorthi Baghari, Gram Panchayat Baghari, under Runisaidpur Sub-Division, District-Sitamarhi.



2. The brief facts, as culled out from the Writ petition, are that the petitioner is an educated person who passed the Intermediate Examination in First Division in May, 2016. An advertisement was published vide Memo No. 1222 for selection of P.D.S. dealers in District Sitamarhi, including Village Baghari under Gram Panchayat Baghari, Runisaidpur. Accordingly, the petitioner, respondent no. 4, and one Kabita Kumari applied for appointment/selection as P.D.S. dealers. The petitioner was placed at Serial No. 1, whereas the name of respondent no. 4 was placed at Serial No. 2 in the merit list. A notice inviting objections was published on 14.01.2019, and accordingly, respondent no. 4 filed an objection alleging that the father-in-law of the petitioner was a P.D.S. dealer. Thereafter, the petitioner submitted a representation before the Sub-Divisional Officer, Sitamarhi, stating therein that the father-in-law of respondent no. 4 was in Government service and that the husband of respondent no. 4 is an educated unemployed person. Therefore,



respondent no. 4 was not entitled to be selected as a P.D.S. dealer under the applicable provisions. It is further stated that, as per the relevant guidelines, no person can apply at two places for the same purpose. However, respondent no. 4 allegedly submitted applications for selection in more than one location, including within the same Panchayat area. The Writ petition further disclose that a meeting of the Selection Committee, presided by District Magistrate, was held on 20.08.2019, wherein a recommendation was made for selection of respondent no. 4 as a P.D.S. dealer, vide Memo No. 719 dated 20.08.2019.

3. The Learned counsel for the respondents contended that there is an alternative remedy available under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 to prefer an appeal and under Section 32(vi) to prefer a 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.

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 own 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 representation 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 representation, the Writ petition is disposed of with a direction to the petitioner to file representation within one month from the date of receipt of this order before the concerned authority. The delay in filing the representation 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	22.06.2026
Transmission Date	

