

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19855 of 2019

Sanjay Kumar S/o Bishwanath Ram Vill.- Sultanpur, P.s.- Bhagwanpurhat,
Distt.- Siwan, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Samaharnalay Siwan, Distt.- Siwan, Bihar
2. Jila Aapurti Padadhikari Distt.- Siwan, Bihar
3. Anumandal Padadhikari Subdivision- Maharajganj, District- Siwan, Bihar
4. Anugypan Padadhikari Subdivision- Maharajganj, Distt.- Siwan, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajeet Singh, Adv.
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-06-2026

1. The Writ petition is filed for the following

reliefs:

1. That this is an application for issuance of an appropriate writ/writs, direction/directions, directing the respondent no 1,2,3 and 4 to make necessary enquires/verifications of the certificates produced by Shailendra Kumar Ray who has been appointed/licensed as PDS dealer, who has submitted MA final result, subsequently after the submission of application form, (which can not be taken into consideration once the form is submitted), further he has claimed



reservation in General category (which annuls his candidature), further he has raised his objection after the given period of 15 days to file objection, cancel his appointment/license of PDS dealer, set a side the decision of District level selection committee held in the chairmanship of the Respondent no 1 on 29/06/2019 and appoint the petitioner Sanjay Kumar on the said dealership, against the said vacancy as he is the most eligible candidate and he was earlier appointed/licensed as the PDS dealer.

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."

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.

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 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	

