

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20457 of 2019

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Nand Kumar Son of late Sri Jay Shankar Prasad Gupta, Resident of Village-
Kohwara Bishanpur, P.S. Raniganj, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Araria.
3. The District Supply Officer, Araria.
4. The Sub-Divisional Officer, Araria.
5. The Sub-Divisional Officer, Forbesganj, Araria.
6. The Additional Collector, Araria.
7. Shweta Kumari, Wife of Sri Pappu Singh, Resident of Village- Thongha Ghat, Ward No. 1, P.S. Raniganj, District-Araria.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Amit Kumar Anand
For the Respondents : 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 for the following

reliefs:

*“For issuance of of an appropriate
writ/writs order/orders
direction/directions directing and
commanding the respondents authorities
for declaring the name of the petitioner
as selected candidate for the grant of
PDS (Public Distribution System)
dealership linsence against unreserved
categories after setting a side of the final*



selection list of privet respondent No.7 who was earlier declared selected against the unreserved female categories were as the petitioner was declared selected against the unreserved category in the provisional list, for any other relief or reliefs for which the petitioner is legally entitled to on 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.”



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 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 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. It is needless to mention that before passing any order the petitioner should be given a fair opportunity of hearing.

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)

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CAV DATE	
Uploading Date	
Transmission Date	

