

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16303 of 2023

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Sadhna Kumari Wife of Sri Chandan Kumar, Resident of Village- Rampur
Chaklala, P.O. and P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply
Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector-cum-District Magistrate, Vaishali,, Hajipur.
4. The Sub-Divisional Officer, Mahua, District- Vaishali.
5. Sarita Devi, Wife of Binay Kumar Singh, Resident of Village- Rasalpur
Purushottam, Block and P.S.- Jandaha, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.
For the Respondent/s : Mr.S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-07-2026

1. The writ petition is filed for the following
reliefs:-

*“(i) To issue a writ of Mandamus,
commanding and directing the
Respondent authority concerned to
publish fresh final merit list after inclusion
of petitioner's name at 1st place in the
said merit list under Backward Class
category for grant of PDS license of Gram
Panchayat- Rasalpur Purushottam under
Jandaha Block of District- Vaishali,*



considering the objection filed by the petitioner dated 23.02.2023 before the Respondent Sub-Divisional Officer, Mahua (Vaishali) regarding inclusion the name of Sarita Devi (Respondent No.5) at 1" place in finale merit list even though she was not eligible for the same who did submit her caste certificate as well as certificate of Graduation at the time of submitting her application form for grant of PDS license in question, but subsequently at the time of verification fraudulently submitted/inserted her caste certificate of BC category as well as her Graduation certificate and got published her name at Sl. No.1 under BC category in final merit list published by the Sub-Divisional Officer, Mahua without verifying and examining the facts in the light of objection raised by the petitioner against the said provisional merit list with a further prayer to grant PDS license to the petitioner who is most suitable candidate for the same.

(ii) To restrain the Respondent authority from finalizing the matter/granting the PDS License in favour of the Private Respondent No.5, Sarita



Devi as per final merit list, during pendency of this writ petition.

(iii) And or any other relief/reliefs for which the petitioner is found entitled in 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 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 considering the case on merits and in accordance with law 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. It is further directed that notice shall be issued upon Private Respondent No. 5.

7. With the above said observations, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.07.2026.
Transmission Date	

