

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15629 of 2023

=====

Renu Kumari @ Renu Devi Wife of Ajay Kumar Ray, Resident of Village-
Jadupur, Village Panchayat- Sivo Police Station- Sonhan, District- Kaimur
(Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department, of Food and Consumer Protection, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate cum the Chairman, District Level Selection Committee, Kaimur (Bhabhua).
4. The District Supply Officer cum the Secretary, District Level Selection Committee, District- Kaimur (Bhabhua).
5. The Sub Divisional Officer cum The Licensing Authority, Bhabhua.
6. Kumari Madhubala, Wife of Chandan Patel, Resident of Village- Silauta, P.S.- Bhabhua, District- Kaimur (Bhabhua).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-07-2026

1. The petitioner has filed the Writ petition
for the following relief:

*"1. That the present writ petition is being
filed for order (s), direction (s) to quash the
order dated 21-01-2023 contained in
Memo No. 93 passed by the District Level
Selection Committee, Kaimur (Bhabhua)
headed by the District Magistrate, Kaimur
(Bhabhua) in the light of self order dated
06-08-2022 passed Supply Appeal case No.
14/2021 whereby or where under decision*



for selection of respondent No. 6 as a P.D.S. dealer in Village Panchayat- Sivo under Block- Bhabhua in District- Kaimur has been taken only relying on the earlier report of Sub Divisional Officer, Bhabhua vide his letter No. 1256 dated 28-11-2022 without giving any opportunity to state her case of the petitioner who was the party in Supply Appeal Case No. 14/2021 and quash the consequential order dated 01-03-2023 passed by the Sub Divisional Officer, Bhabhua whereby order has been passed to start allocation to license No. 01/2023 granted to the respondent No. 6 and further the Respondent No. 3 be directed to hold fresh meeting and select the petitioner for grant of P.D.S. license after declaring the report of the S.D.O. Bhabhua for rejection of the candidature of the petitioner is null and void as she was most illegible candidates in Sivo Panchayat under Block Bhabhua for grant of license who is running from pillar to post."

2. At the outset, the Learned Counsel for the respondents draws the attention of this Court to Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. For better appreciation of the facts of the case, Section 32 (vii) of the Bihar Targeted



Public Distribution System (Control) Order, 2016 is reproduced hereinbelow:

“32. (vii) The Principal Secretary/ Secretary of the department may call for the records related to the order passed under the provisions of this Order by the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer suo moto or upon a representation by someone, and if he is satisfied that the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer

(a) has exercised such powers which are not entrusted to him,

(b) has exercised his powers illegally without considering the facts of the case,

(c) has failed in use of his powers, he may pass an order which he thinks fit.”

4. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents.

5. Admittedly, from the reliefs prayed



for in the writ petition, it is evident that the petitioner has an alternative remedy of filing a representation available under Section 32(vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

6. Taking into consideration, without going into the merits or demerits of the case, that the petitioner has an alternative remedy of filing a representation before the Principal Secretary, under Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 against the impugned orders, the writ petition is disposed of with a direction to the petitioner to file the representation within four weeks from the date of receipt of this order before the Principal Secretary. The delay in filing the representation, if any, shall be condoned by the Principal Secretary, and the authority shall dispose of the representation within three months from the date of filing of the same.

7. It is needless to mention that before passing any order, all the concerned parties shall be put on notice and given an opportunity of



hearing. Any order passed shall be communicated to the party.

8. With the above observations, the present writ petition stands disposed of.

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

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2026
Transmission Date	

