

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21286 of 2019

=====

Rama Shankar Tiwary Son of Jaleshwar Tiwary Resident of Village Ujjaina,
Post Sohilpatti, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food Consumer Protection Department, Govt. of Bihar, New Secretariat Building, Patna.
2. The Secretary, Food and Consumer Protection Department, State of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Supply Officer, Siwan.
5. The District Supply Officer, Siwan.
6. The Sub Divisional Officer, Maharajganj, District- Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Adv. Mr. Vijay Bardhan Pandey, Adv.
For the Respondent/s	:	Mr. S.Raza Ahmad (AAG-5)

=====

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 present writ application is being filed on behalf of above named petitioner for issuance of appropriate writ(s), order(s), direction(s) to the respondent authority to grant licence for fair price shop in favour of petitioner whereby and whereunder candidature of petitioner has been found at Serial No. 1*



in merit list which has been prepared after meeting of licence issuing authority, Siwan. A photo copy of merit list prepared by respondent authority is annexed hereto and marked as Annexure-1 to this application.

2. *And pass any other order(s) as per the facts and circumstances of this 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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.06.2026
Transmission Date	22.06.2026

