

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22023 of 2019

Rajnish Bharti Wife of Heera Kumar Raman Resident of Village- Ghoghasam
Ward No.-2, P.S.- Simri Bakhtiyarpur District- Saharsa. at present Sarahi P.S.-
Saharsa District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary old secretariate Bihar Patna.
2. The Principal Secretary Food and Consumer Protection Department old Secretariat Patna.
3. The Commissioner Koshi Division Saharsa.
4. The District Magistrate Saharsa.
5. The District Level Selection Committee Saharsa Through its Chairman.
6. The Additional Collector cum District Supply Officer Saharsa.
7. The District Co-operative Officer Officer
8. The Sub- Divisional Officer Simri Bakhtiyarpur District- Saharsa.
9. The Block Development Officer Simri Bakhtiyarpur District- Saharsa.
10. The Circle Officer Simri Bakhtiyarpur District- Saharsa.
11. The Block Supply Officer Simri Bakhtiyarpur District- Saharsa.
12. Rani Kumari Wife of Vijay Yadav Resident of Village- Tilathi (Tirasi) ward No.- 8 Gram Panchayat Ghoghasam P.S.- Simri Bakhtiyarpur District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. NK Agarwal, Sr. Adv. Mr. Amarnath Jha, Adv. Mr. Kumar Rajdeep, Adv. Mr. Amarnath Jha, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal (SC-4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-06-2026

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

(i) For issuance of an appropriate
Writ cancelling the selection of the
respondents No 12 who has been
selected in the proceeding of the district
level selection committee Saharsa for
Grampanchayat Ghoghasam P.S, Block



circle Simri Bakhtiyarpur Distrist Saharsa on 14.09.19.for grant of licence of Public Distribution System Dealer.

(ii) For Setting aside the letter dated 20.09.19 issued under the signature of Additional collector cum District Supply officer Saharsa where by and where under the Sub-Divisional officer Simri Bakhtiyarpur has been Directed to comply the proceeding of the district level selection committee Saharsa, in respect of the respondent No 12.

(iii) For Direction up on the respondents to select the petitioner for public distribution system Dealer for Ghoghasam Panchyat under P.S Block circle and Simri Bakhtiyarpur District Saharsa considering her suitability.

(iv) for declaration that the petitioner is the must suitable candidate for public distribution system Dealer for the Ghoghasam Panchayat under Police Station, Block circle Simri Bakhtiyarpur District Saharsa among the applicants as she was graduate.

(v) For Restraining the respondents from granting licence of the public distributor system Dealer to the



respondent No 12 for the Gram Panchayat Ghoghasam Police Station Block circle Simri Bakhtiyarpur District - Saharsa as well as from taking any follow up action towards the compliance of the decision of the District level selection committee Saharsa taken on 14.09.19 selecting a the Respondent No 12 as public distribution system dealer for the aforesaid Gram Panchayat.

(vi) For any other relief (s) / order (s) Direction (s) to which the petitioner may be 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 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.

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	30.06.2026
Transmission Date	30.06.2026

