

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21678 of 2019

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Barun Kumar Son of Shatrughan Prasad Singh, resident of Village and P.O.-
Saidpur, P.S.Mansi, District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supplies,
Patna.
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Khagaria.
4. The District Supply Officer, Khagaria.
5. The Sub-Divisional Officer-Cum-Licencing Authority, Gogri, Khagaria.
6. The District Level Selection Committee, PDS Shop, Khagaria.
7. Jitendra Kumar, Son of Ramdeo Singh, Resident of Village and P.O. Saidpur,
P.S. Mansi, District- Khagaria.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the Respondents : Mr. S. Raza Ahmad, AAG5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 23-06-2026

1. The Writ petition is filed for the following

reliefs:

*“(i). For issuance of an
appropriate writ/s, order/s,
Direction/s to the respondents for
quashing order dated 10.07.2019
whereby and under the candidature
of the petitioner for being selected
as PDS Shop Dealer in Saidpur
Panchayat has been rejected on
two grounds that his affidavit is not
fully filled up and another that he is*



ward member in the panchayat and the said PDS Shop has been allotted to the private respondent.

ii. For issuance of an appropriate writ/s, order/s, Direction/s for quashing order dated 13.08.2019 passed by the Divisional Commissioner in PDS Supply Appeal No. 84/2019 whereby and under he was pleased to reject the appeal of the petitioner on the ground that there is no provision of appeal in this court, oblivion of the fact that the District Magistrate who was the appellate authority as per the provision of the law was one of the member of the selection committee at the District level and as such he could not have entertained the appeal.

iii. For issuance of an appropriate writ/s, order/s, direction/s to the respondents to select the petitioner as one of PDS Shop dealer in Gram Panchayat Saidpur and thereafter allot one shop to him after setting aside orders dated 10.07.2019 as well as



13.08.2019 and cancel the selection of pvt. respondent as PDS dealer.

iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”

2. At this juncture, the Learned counsel for the respondents contended that Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of revision. Section 32(v) and (vi) read as follows:

“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, the present case is filed against the order of Divisional Commissioner in PDS Supply Appeal Case No. 84/2019 dated 13.08.2019.

4. It is further submitted that the order of passed by the appellate authority is very cryptic and without any reason.

5. The learned counsel for the petitioner contended that he intends to file a revision before the Divisional Commissioner, but the limitation period for filing the revision has lapsed. He prayed for a direction to the concerned Divisional Commissioner to entertain the revision petition in accordance with Section 5 of the Limitation Act.

6. Taking into consideration that the petitioner has an alternative remedy for filing a revision, the writ petition is disposed of with a direction to the petitioner to file the revision



petition within four weeks from the date of receipt of this order before the Divisional Commissioner. The delay in filing the revision shall be condoned by the Divisional Commissioner, and the authority shall dispose of the revision within two months from the date of filing of the revision petition.

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)

Shanu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

