

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23140 of 2019

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Rajiv Kumar Son of Vakil Prasad Resident of Village- Dhutauli, Malapa Panchayat- Dhautauli P.S. Chautham, District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Bihar, Patna.
2. The District Magistrate Khagaria.
3. The Sub- Divisional Officer Khagaria.
4. The District Co-operative Officer Khagaria.
5. The General Manager District Industry Centre, Khagaria.
6. The District Supply Officer Khagaria.
7. The Block Supply Officer Chautham, District- Khagaria.
8. Vikash Kumar Son of Om Prakash Sah Resident of Village and P.O.- Dhutauli, P.S.- Chautham, District- Khagaria.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Bishweshwar Ram, Advocate
For the Respondents	:	Mr. S. Raza Ahmad, AAG5
	:	Mr. Anisul Haque, AC to AAG5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-07-2026

1. The present Writ petition is filed for the

following reliefs:-

“For issuance of a writ in the nature of certiorari for quashing the selection order dated 10.07.2019 (contained in Annexure 5) by which the selection list of fair price dealer under Bihar Targeted Public Distribution System (Control) Order 2016 is prepared by the full majority of selection committee,



the name of the petitioner came under the category of E.B.C. (M) stand on Sl. No. 6 but not consider the case of the petitioner by the respondents for holding that the petitioner shall not be discriminated for obtaining Licence of fair price dealership inspite of sufficient required qualification/eligibility as the petitioner is the most qualified candidate and senior in age among the candidates who have applied for dealership which is appears in the light of circular of P.D.S. Dealer.

For any appropriate writ or writs by which the petitioner may deem to be entitled.”

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 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)

Shanu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2026
Transmission Date	NA

