

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22975 of 2019

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Arun Kumar Bhandari, Son of Late Mahavir Bhandari, Resident of Village-
Satghara, Block- Rahika, P.S.- Rahika, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Old Secretariat, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Old Secretariat, Patna.
3. The District Magistrate, Madhubani.
4. The District Supply Officer, Madhubani.
5. The District Co-operative Officer, Madhubani.
6. The Sub-Divisional Officer, Madhubani Sadar, District- Madhubani.
7. The Block Supply Officer, Rahika, District- Madhubani.
8. Raju Kumar Bhandari, Son of Srikant Bhandari, Resident of Village Satghara, Block- Rahika, P.S.- Rahika, District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 06-07-2026

1. The present Writ petition is filed for the following reliefs:-

“For issuance of a writ in the nature of certiorari for quashing of the final merit list dated 28.09.2018 issued by the office of Sub Divisional Officer, madhubani i.e., licensing authority whereby and whereunder the Advertisement for issuance of Public Distribution System License (01) has been issued for Ijra Panchayat, Block Rahika only for



the unreserved category whereas the license invited by the department for Extremely Backward Castes (EBC) was ignored and was not deliberately issued and has also erroneously kept the petitioner in General Category in this list whereas he belongs to the EBC Category and had applied for the license under EBC category and further the P.D.S. License has been maliciously allotted to one Raju Bhandai i.e., Respondent No. 8 belonging to the EBC category who had also applied for license under EBC category although the department had issued him the PDS license under unreserved category.

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 proper application before the Divisional Commissioner.

5. The Learned counsel for the petitioner contended that he intends to file a proper 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 application, the Writ petition is disposed of with a direction to the petitioner to file proper 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)

Aryan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.07.2026
Transmission Date	

