

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24395 of 2019

Manish Kumar Singh S/o Dinesh Prasad Singh Resident of Village- Mangwar,
P.O.- Mangwar, Ward No.02, Block- Sonbarsa, P.S.- Basnahi, District-
Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Officer cum Chairman District Selection Committee, Saharsa.
6. The District Supply Officer, Saharsa.
7. The Sub Divisional Officer, Sadar Saharsa.
8. The Block Supply Officer, Sonbarsa, District- Saharsa.
9. The Block Development Officer, Sonbarsa Block, District- Saharsa.
10. Sudhanshu Shekhar Singh S/o Late Bishundeo Pd. Singh Resident of Village- Ward No.4, Mangwar, P.O. Mangwar, Block- Sonbarsa, P.S.- Basnahi, District- Saharsa.

... .. Respondents

Appearance :

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

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

Date : 03-07-2026

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

(i). For issuance of an appropriate writ, order or direction for setting aside the order dated 14.9.2019 by which the selection committee selected the private



Resp. No. 10 for the PDS License who belongs to Ward No. 4 of Mangwar Panchayat.

(ii). For issuance of writ order or direction for selection of the petitioner as per merit list for allotment of the Fair price shop (P.D.S. Dealer Ship) of Mangwar Panchayat, Block Sonbarsa, District Saharsa.

(iii). For issuance an appropriate writ order or direction for allotment of the PDS dealership in favour of the petitioner who is the best candidate as per merit list amongst the lot.

(iv). For issuance of an appropriate writ order or direction for grant of ad-interim stay of the operation of arbitrary selection of Respondent No. 10 for allotment of PDS dealership at the place of the petitioner and restraining the respondents authority in grant of Fair Price Shop distribution during the pendency of writ application.

(v). For issuance of an appropriate writ order or direction for grant of any other appropriate



reliefs for which the petitioner may be deemed entitle fit and proper, for the license of PDS dealership.

(vi). Any other appropriate relief or reliefs may be granted in favour of the petitioner as your lordship may deem fit and proper."

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	
Transmission Date	NA

