

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25391 of 2019

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Meena Kumari W/o Ashok Kumar Shah Resident of Village- Pipra, P.S.-
Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food, Civil and Supply Department, Bihar, Patna.
2. The District Officer, Purnea.
3. The District Supply Officer, Purnea.
4. The Sub-Divisional Officer, Banmankhi, Purnea.
5. Jawina Khatoon W/o Tanwir Alam Resident of Pipra, P.S.- Banmankhi, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Adv.
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:-

"I. For issuance of Writ in nature of certiorari quashing the decision taken dated 30.11.2018 by the committee for granting license of public Distribution Shop under Public Distribution System (control) order 2016, whereby respondent No. 5 was selected for grant of license of P.D.S.

II. For issuance of writ in nature of mandamum commanding the respondents to take action on the representation 27.09.2019 filed by the petitioner against the allotment of P.D.S.

III. For issuance of Writ in nature



of mandamus commanding the respondents to cancel the license for P.D.S. to respondent No. 5.

IV. for any other such relief/reliefs which the petitioner are entitled too.

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)

Amandeep/-

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

