

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25310 of 2019

Chandan Kumar S/o Lal Babu Mahto, R/o Ward No. 11, Sujanpur, Korai,
P.S.- Garhpura, District-Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through its Secretary Food and Consumer Protection Deptt., Govt. of Bihar, Patna.
2. Secretary, Food and Consumer Protection Deptt., Govt. of Bihar, Patna.
3. The District Magistrate, Begusarai.
4. District Supply Officer, Begusarai.
5. The Sub Divisional Officer-cum-Licensing Authority, Bakhri, Begusarai.
6. Sri Anil Sharma, S/o Ram Prakash Sharma, R/o Sujanpur, P.O.-Korai, Block-Garhpura, District-Begusarai.
7. Sajia Nasrin, W/o Md. Ataul, R/o Sujanpur, P.O.-Korai, Block-Garhpura, District-Begusarai.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Pramod Kumar Sinha, Advocate Mr. Arvind Kumar Sharma, Advocate Mr. Chatan Kumar, Advocate
For the Respondents	:	Mr. S. Raza Ahmad, AAG5
For Respondent No.6	:	Mr. Murlidhar Mishra, Advocate
	:	Mr. Shubhash Pandey, Advocate

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

Date : 02-07-2026

1. The Writ petition has been filed for the
following relief:

"For issuance of appropriate writ or writs, in the nature of the writ of (i) certiorari quashing the order of selection contained in Memo No. 2900 dated 20.09.2019 (Annexure-8) passed by the Sub-Divisional Officer, Bakhri, Begusarai, respondent no. 5, whereby and whereunder the respondent no. 5 has made illegal



selection of respondent no. 6 Sri Anil Sharma and respondent no. 7 Smt. Sajia Nasrin for being appointed as the dealer of Public Distribution System Shop (PDS dealer), in Korai Panchayat against the 2 vacancies arisen in utter violation of the provisions contained in Order-11 of Bihar Targeted Public Distribution System (Control), Orders, 2016, in short the 'orders' (ii) Mandamus directing, commanding and restraining the respondents from issuing any PDS dealership on the basis of the said selection contained in Annexure-8, in Korai Panchayat and to consider the case of the petitioner afresh, and stay of the list of selection contained in Annexure-8 so far as Korai Panchayat is concerned, pending disposal of the writ application."

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. It is needless to mention that before passing any order the petitioner should be given a fair opportunity for hearing.

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

