

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25686 of 2019

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Neebha Kumari wife of Rajan Kumar Yadav resident of Ward No. 8, Bheda Chaur, P.O. Farasahani, Police Station- Laukariya, District- West Champaran at Bettiah.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Collector-cum- District Magistrate, West Champaran at Bettiah.
4. The District Supply Officer, West Champaran, Bettiah.
5. The Sub- Divisional Officer, Bagaha, District- West Champaran.
6. Subhawati Kumari wife of Ravi Kumar resident of Village- Bhedachaur, P.O. Farasahani, Police Station- Laukariya, District- West Champaran at Bettiah.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Arvind Kumar, Advocate
For the Respondents : Mr. Arvind Ujjwal, SC4

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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:-

“(a). For issuance of writ in nature of mandamus for commanding and directing the licensing authority under Bihar Targeted Public Distribution System 2016 for grant of P.D.S. shop License in terms of panel of recommendation by the District Selection Committee vide memo no. 115 dated 08.02.2019 in which the petitioner's name is reflected at serial no. 66 but unfortunately



the Respondent illegally made selection of Respondent no. 6 for grant of P.D.S. shop license after cancellation of previous recommendation of the petitioner.

(b). For quashing or set aside selection of the Respondent No. for grant of P.D.S. shop license in terms of meeting dated 10.10.2019 by the District Supply Selection Committee, West Champaran on the basis of recommendation vide letter no. 95 dated 05.03.2019 issued by Sub-divisional Officer, Bagaha.

(c). And for any other relief/ reliefs for which the petitioner is found to be entitled under the provision of law involved in the present case.”

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

