

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16820 of 2017

Vijay Kumar son of Sri Deo Narayan Paswan, Resident of Village- Brahmpur, P.S. Kisheshwar Sthan, P.O. Sumbha Deorhi, Aurahi Panchayat, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, government of Bihar, Old Secretariat Patna
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretar
3. The District Magistrate Cum Chairman, District- Selection Committee, Darbhanga.
4. The Sub- Divisional Officer, Sadar, Darbhanga.
5. The Sub- Divisional Officer, Biraul, District- Darbhanga.
6. The Sub- Divisional Officer, Benipur, District- Darbhanga.
7. The District Supply Officer, Darbhanga cum Secretary, District Selection Committee, Darbhanga.
8. The District Co-Operative Officer, Darbhanga.
9. The Assistant District Supply Officer, Biraul, District- Darbhanga.
10. The Assistant District Supply Officer, Sadar, Darbhanga. null null
11. Sri Shankar Saran Son of not known, Omi, Senior Deputy Collector, Darbhanga.
12. Ram Govind Ram Son of Bilet Ram, Resident of Village- Brahmpur, P.S. Kusheshwar Sthan, P.O. Aurahi, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar, Adv.
For the Respondent/s : Mr.Arbind Ujjawal - SC4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-10-2025

1. The Writ petition is filed for the following

reliefs:-

“(i) The prayer in the Writ petition is to quash the merit list of vacant



Public Distribution Shop License under Kesheshwar Sthan Block (Biraul Sub-Division) issued on 01.09.2017 by which the respondent No. 12 (Ram Govind Ram) has been illegally selected in Merit List for the PDS shop License through the petitioner is much better in each and every corner than respondent No. 1. He has been left out and the Respondent No. 12 has been selected at Serial No. 5. Photocopy of Memo No. 869 dated 01.09.2017 along with the Merit list of PDS license is enclosed here with as Annexure P1.”

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 two 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	10.10.2025
Transmission Date	

