



2025:PATHC:97465

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12159 of 2019

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Foolmati Kumari wife of Sri Radhe Shyam Das, resident of Village- P.O.-
Tararh Gram Panchayat Maudiha, P.S.- Nokha District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The District Magistrate Cum Chairman, District Level Selection Committee, Rohtas at Sasaram.
4. The Sub - Divisional Officer Sasaram, District - rohtas at Sasaram.
5. Anita Devi wife of Sri Laljee Paswan resident of village Kushanhi, P.O.- Sisirata, Gram Panchayat Maudiha Block Nokha, District- Rohtas at Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raghunandan Kumar Singh, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc4)

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

Date : 15-10-2025

1. The present Writ petition is filed for issuance of an appropriate writ(s), order(s), or direction (s) to the respondents for quashing the part of the list dated 25.10.2018 in respect of the Respondent No. 5 appeared at Sl. No. 18 by which the name of the Respondent No.5 has been recommended after selection for licensee of the Public Distribution system (hereinafter referred as P.D.S.) dealership under the gram Panchayat Raj





Maudiha of Block Nokha within the district of Rohtas and further to recommend the name of the petitioner in place of Respondent No. 5 since the petitioner is mere qualified as well as equipped with computer training.

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 months 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.10.2025
Transmission Date	N/A

