



2025:PATHC:93796

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12661 of 2019

=====

Arun Kumar Das, Son of Late Babulal Das, resident of Milik Garbhudih, P.S.-
Amdanda, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate-cum-Chairman of District Level Selection Committee, Bhagalpur.
3. The Sub-Divisional Officer-cum-Licensing Authority, Bhagalpur Sadar, District- Bhagalpur.
4. The Block Supply Officer, Sanhaula, District- Bhagalpur.
5. Khushbu Kumari, Wife of Arbind Kumar Singh, resident of Village- Amdanda, Block- Sanhaula, P.S.- Amdanda, District- Bhagalpur.
6. Lalit Narayan Singh, Son of Shiv Prasad Singh, resident of Malgar Gudih Amdanda, Block- Sanhaula, P.S.- Amdanda, District- Bhagalpur.
7. Piko Kumari, Wife of Babulal Singh, resident of Village- Yaderampur, P.S.- Amdanda, Block- Sanhaula, District- Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pravina Kumari, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

=====

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

Date : 16-10-2025

1. That a writ in the nature of certiorari setting aside the selection of private respondents No.5 to 7 as P.D.S. dealer under Panchayat-Amdanda under Block-Sanhaula, District- Bhagalpur ignoring the valid claim of the petitioner whose name was mentioned at Sl. No. 1 in the provisional merit list considering the eligibility criteria but in the final





selection list private respondents No. 5 to 7 have been shown at serial No. 3, 5 & 7 to be selected by way of making amendment in provisional merit list ignoring the B.A. (Hons.) marks sheet, reservation which is palpably illegal in eye of law.

(I) For a direction upon the respondent concern to select and grant license of P.D.S. dealer that the petitioner is belongs to scheduled caste category belonging to below poverty line as well as possessing all educational qualification also and his name was included at Sl. No. 1 in the provisional merit list.

(ii) For further direction to not allow the private respondent No. 5 to 7 to lift the food stuffs attached with the concern P.D.S. shop till disposal of the present writ application.

(iii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the 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 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)

amitkr/-

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

