



2025:PATHC:92553

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12379 of 2019

Harinandan Yadav Son of Shri Triveni Yadav Resident of Vilalge-Barhara
Ward no.4 Darhar Panchayat P.S.-Nauhatta Dist-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. Commissioner, Koshi Division, Saharsa
4. The District Magistrate, Cum Chairman Selection Committee Saharsa.
5. The District Supply Officer, Saharsa.
6. The S.D.O., Saharsa Sadar.
7. The Circle Officer, Nauhatta Block, Dist.-Saharsa
8. The Block Supply Officer Nauhatta Dist-Saharsa
9. Rahul Kumar Son of Baidyanath Prasad Gupta Resident of Mohall-Gandhipath Ward no.08 House no.125 P.S.-Saharsa Dist.-Saharsa
10. Rajiv Ranjan Son of Late Khushilal Yadav Resident of Mohalla-Simraha Ward no. 35 House no.10 P.S.-Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-10-2025

1. The writ petition is filed for the following
reliefs:-

*“(i) For issuance of writ of
certiorari for quashing of Memo No. 681
dated 08.03.2019 issued by Respondent
No. 6, SDO, Saharsa whereby and
whereunder the SDO, Saharsa has*





directed to the selected candidate for submit their Educational qualification as well as relevant documents who were selected for the licence for PDS shop in different Panchayat in Nauhatta Block Dist-Saharsa in which Respondent No. 9 namely Rahul Kumar was selected for the licence for PDS Shop in Barhar village Ward No. 3 under Darhar Panchayat Block Nauhatta District Saharsa.

(ii) For issuance of Writ of Mandamus for stay the selection for licence of PDS Shop in Barhara Village Panchayat Darhar Block Nauhatta District Saharsa in favour of Rahul Kumar Respondet No. 9.

(iii) For issuance of writ in the nature of Mandamus directing the respondents that stay the functioning of the above mentioned allocation of PDS Shop forthwith.

(iv.) For grant of any other relief or reliefs which the petitioner may be found entitled by this Hon'ble Court."

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.10.2025
Transmission Date	

