



2025:PATHC:93801

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16435 of 2019

Manoj kumar Pandey Son of Late Ram Prasad Pandey, r/o Village - Mahasai
Upendra, P.S. - Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Civil Supply, government of Bihar, Patna.
3. The D.M. Nawada.
4. The Sub-Divisional Officer, Rajauli, District Nawada.
5. The District Supply Officer, District Nawada.
6. The Marketing Officer, Rajauli Block, District Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Kamaluddin
For the Respondent/s : Mr.S.Raza Ahmad (AAG-5)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-10-2025

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

“(i) For issuance of an appropriate writ, order, direction to quash the order bearing Memo No. 38 dated 06.06.2019 issued by S.D.O. Rajauli by which the allotment of food grain and K. Oil for distribution through P.D.S shop has been withheld without asking any show cause or its service to the petitioner till further order.





(ii) For issuance of an appropriate writ, order, direction to quash the order bearing Memo No. 1062 dated 11.06.2019 by which the P.D.S. shop License No. 6/18 issued in favour of petitioner has been cancelled without following the rule of law on the false ground that petitioner committed forgery in submission of application form by annexing false marks sheet of B.Sc. Part III.

(iii) For issuance of an appropriate writ, order, direction to quash the order bearing Memo No. 1096 dated 15.06.19 by which the allotment of food grains and K.oil in favour petitioners P.D.S. Shop has been of tagged with the P.D.S. Shop of one Sri Damodar Prasad Yadav.

(iv) For issuance of an appropriate writ, order, direction to revive the License No. 6/18 for running P.D.S. Shop and for direction to allot the food grain and K.Oil for their distribution through petitioner P.D.S. Shop which has illegally been cancelled.”

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. Section 32(iii) 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.”

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned District Magistrate, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned District Magistrate to





entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within two months from the date of receipt of this order before the concerned District Magistrate. The delay in filing the appeal shall be condoned by the District Magistrate, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.

7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2025
Transmission Date	

