



2025:PATHC:97470

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15822 of 2019

Sunita Kumari W/o Sri Ram Bilash Yadav Resident of Mohalla Ward
No.04,Thadi Bhawanipur,PS Pipra,Dist.Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Department of Food Civil Supplies,Govt. of Bihar,Patna
2. The Principal Secretary, Department of Food Civil Supplies,Govt. of Bihar,Patna
3. The Commissioner, Koshi Division,Saharsa.
4. The District Level Selection Committee through its Chairman,the District Magistrate,Supaul.
5. The District magistrate, Supaul
6. The District Supply Officer-cum-Secretary, District Level Committee,Supaul
7. The Sub-Divisional Officer, Sadar,Dist.Supaul.
8. The Block Supply Officer, Pipra,Dist.Supaul.
9. Rani Devi W/o Sunil Yadav Resident of Village Bishanpur,PO Thadi Bhawanipur Via Pipra,Dist.Supaul,Secretary Utkarsh Jivika Gram Sangathan Village Bishanpur,PO Thadi Bhawanipur,PS and Block Pipra,Dist.Suaul

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Adv.
For the Respondent/s : Mr. Arvind Ujjawal (SC-4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-10-2025

1. The writ petition is filed for the following

reliefs:-

*“(A. To issue a writ in the nature
of Certiorari setting aside the resolution
dated 25.10.2018 adopted by Selection*





Committee/ Screening Committee contained in Memo No. 917-2 dated 31.10.2018 (Annexure-6) by which the PDS Dealership licence of Sunita Kumari (petitioner) was cancelled and in her placed it was recommended to issue PDS Dealership licence to Rani Kumari and also resolution adopted on 26.04.2019 by the Selection Committee/Screening Committee holding resolution dated 25.10.2018 valid and approving resolution adopted on 25.10.2018 (Annexure-6).

(B. *To issue a writ in the nature of Mandamus commanding/directing the Respondents to restore PDS Dealership licence of petitioner forthwith.*

(C. *Any other relief or reliefs, writ or writs, direction or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances may also be granted."*

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. 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	

