



2025:PATHC:97469

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15803 of 2019

Soni Kumari Wife of Ajay Yadav @ Ajay Kumar Resident of Village- Kaijari,
W- 4, P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Additional Collector, Khagaria.
4. The Sub Divisional Officer-cum-District Supply Officer, Khagaria.
5. The Zila Co-operative Officer, Khagaria.
6. Soni Kumari Wife of Roushan Kumar Resident of Village- Kaijari, P.S.- Beldaur, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Randhir Kumar No.1
For the Respondent/s	:	Mr. S.Raza Ahmad (AAG-5)
		Mr. SK Thakur, Adv.
		Mr. Aditya Kr. Pandey, Adv.
		Mr. Srinath Prasad, Adv.

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-10-2025

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

“(i). For issuance of a Writ in the nature of Certiorari to quash the decision of the District Selection Committee dated 10.07.2019 by which rejecting the application of petitioner for grant of license Public Distribution System Shop, and one Soni Kumari, wife of Raushan





Kumar, has been selected for grant of said license.

(ii) *For issuance of writ in the nature of Certiorari to quash only that part of the decision of District Selection Committee dated 18.12.2018 by which application of the petitioner has been rejected only on the basis of objection of Respondent No. 6 (Soni Kumari wife of Roushan Kumar) and further decision has been taken to select the candidate on the basis of fresh advertisement.*

(iii) *For issuance of Writ of Mandamus and or any other writ, order or direction directing and commanding the respondents to uphold and implement that part of the decision of the District Selection Committee dated 18.12.2018 by which the petitioner has been shown as "selection" for grant of license of PDS Shop.*

(iv) *For issuance of writ, order or direction directing and commanding the respondents to consider the claim and grievance of the petitioner by taking into consideration all the material and documents available with him for grant of license of PDS Shop.*





(v) For issuance of Writ, order or direction to stay/not to implement the decision of the District Selection Committee dated 10.07.2019 during pendency of the Writ application.”

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	

