



2025:PATHC:93859

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17757 of 2019

Raj Kumar Sah Son of Late Panna Lal Resident of Village and P.O.- Sihaul
via Panchgachia, P.S.- Bihra, Block- Sattar Katyya, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary General Administrative Department, Government of Bihar, Patna.
3. The Principal Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
4. Assistant Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
5. Additional Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
6. Joint Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
7. Deputy Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
8. Divisional Commissioner Koshi Division, Saharsa.
9. District Magistrate Saharsa.
10. Sub- Divisional Officer Sadar, Saharsa.
11. Anup Kumar Son of Sri Sushil Kumar Resident of Village and P.O.- Sihaul, Ward no.- 12, Panchayat- Sihaul, Block- Sattar Katyya, Sub- Division- Sadar, District- Saharsa.

... .. Respondent/s

Appearance :

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

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

Date : 17-10-2025

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

*"1. For quashing the letter no.
999-2 dated 09.05.2019 (Annexure-11)*





and letter no-1738-2 dated 08.07.2019 (Annexure-12) in pursuance to the Advertisement dated 02.01.2018, where ever the District Selection Committee issued the license for Public Distribution Shop (PDS) to a hadicapped person i.e. Respondent No.-11 for Sihaul Panchayat who was named at third position in the merit list published on dated 08.09.2018.

II. to issue license for Public Distribution Shop in favor of the petitioner for Block- Sattar Katyya, Sihaul Panchayat, District Saharsa under Unreserved category.

III. To cancel the license issued on 08.02.2019 of PDS (Annexure-10) of the Respondent No.-11.

IV. To grant any other relief(s) the petitioner is entitled for.”

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	17.10.2025
Transmission Date	N/A

