



2025:PATHC:93820

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17785 of 2019

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Dinesh Kumar S/o Ram Pukar Ray Resident of Village Baluaahan, P.O. Sahila Rampur, P.S. Hatauri, Dist.Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Selection Committee, Public Distribution System, Muzaffarpur through its Chairman, the District Collector, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur
5. The Sub-Divisional Officer, East Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

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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 the issuance of an appropriate writ to quash the decision dated 09.03.2019 taken by the Seletion Committee under PDS Licence Muzaffarpur (contained in Annexure-7).*

***II.** For the issuance of an appropriate writ to the respondent to grant the Licence of PDS dealer under "Jan Vitran Pranali" under Sahila Rampur*





Tole, Baluaahan, P.O. Sahila Rampur, PS, Hathauri, Prakand Bochaha, District-Muzaffarpur.

III. *for the issuance of an appropriate writ/direction to the respondents to consider the candidature of petitioner for the grant of license of a PDS shop for Sahila Rampur Tole, Baluaahan Gram Panchayat in the District of Muzaffarpur.*

IV. *For the issuance of any other direction as your Lordship may deem fit and proper for the ends of justice.”*

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 of 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	

