



2025:PATHC:93818

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18860 of 2019

Manoj Kumar Son of Hazari Saw Resident of Mohalla- Rajauna Chauki,
Ward No.1, Town- Lakhisarai, Post Office- Balgudar, P.S.- Lakhisarai,
District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Lakhisarai.
2. The District Magistrate, Lakhisarai.
3. The Additional District Magistrate, Lakhisarai.
4. The District Supply Officer, Lakhisarai.
5. The District Co-operative Officer, Lakhisarai.
6. The Assistant District Supply Officer, Lakhisarai.
7. The Sub Divisional Officer, Lakhisarai.
8. The Block Supply Officer, Lakhisarai.
9. The Marketing Officer, Lakhisarai Block, Lakhisarai.
10. The Supply Inspector, Lakhisarai Block, Lakhisarai.
11. Upendra Kumar Son of Jay Kumar Sah Resident of Mohalla- Ashok Dham,
Ward No.01, Town Lakhisarai, Post Office and Police Station and District-
Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Maharaj, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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 a writ of
certiorari to quash the notice as contained
in Memo No. 02 Mu/Aa dated 31.07.2019
(Annexure-4) issued by the Sub Divisional*





Officer, Lakhisarai whereby and whereunder, it has been notified that the District Selection Committee, Lakhisarai has selected one Upendra Kumar in Ward No. 1 of Lakhisarai, Nagar Parishad as Fair Price Shop Dealer although he was at Sl. No. 2 in the Provisional Merit list of new P.D.S. Dealers (2017-2018) in a most arbitrary and mechanical manner whereas the petitioner was at Sl. No. 1 in the said Merit List.

(ii) For issuance of a writ of mandamus commanding/directing the Respondents especially Respondent No. 2, 4 and 7 to recruit the petitioner as Fair Price Shop Dealer in Ward No. 1 of Lakhisarai Nagar Parisad.

(iii) For issuance appropriate of any other writ/writs or direction/directions or order/orders which is found just and proper under the facts and circumstances of this case.

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, raising all his grounds before the concerned authority within two month from the date of receipt of this order. 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)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	

