

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7460 of 2019

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Anokha Kumari @ anokha devi Wife of Kailash Mandal R/O - Village - Borarahi, Ward No. - 03, Post - Nowlakhi, Police Station - Jankinagar , District Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Food and Supply Department Government of Bihar Bihar
3. The District Magistrate, Purnea Purnea
4. The District Food and Supply Officer Purnea
5. The Depty Commissioner Purnea
6. Ther Sub Divisional Officer Banbankhi Purnea
7. The Block Supply Officer Banbankhi, Purnea
8. Deepmala Kumari Wife of Atul Kumar Resident of Village - Borarahi, Ward No. - 01, Post - Nowlakhi , Police Station - Jankinagar, District - Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 16-09-2025

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

“i. For issuance of appropriate writ / writs, order/orders, direction / directions commanding the respondents to select the petitioner as Public Distribution Shop in Gram Panchayat, Nowlakhi.



ii. For direction / direction to the respondents to set aside the merit list concerning the Respondent No. 8 Anokha Kumari prepared by the Respondent No. 4 and 7 and select the petitioner for the Public Distribution Shop, who is the real and meritorious applicant among them.

iii. For direction / directions to the concerned respondent to verify the matric mark sheet of the petitioner and also examined / verified the Floor Mill of brother of the Father in law of the respondent No. 8

iv. For any other relief/reliefs to which the petitioner is entitled under the law for 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 one month 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.09.2025
Transmission Date	N/A

