

(2026) 08 PAT CK 2549

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.14689 of 2023

Anil Paswan

APPELLANT

Vs

The State Of Bihar & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Bihar Targeted Public Distribution System (Control) Order, 2016 — Rule 32 (vii)

Citation : (2026) 08 PAT CK 2549

Hon'ble Judges : G. Anupama Chakravarthy, J

Bench : Single Bench

Advocate : Mr. Munish Kumar, Mr. Arvind Ujjwal (SC 4)

Final Decision : Disposed Of

Judgement

Date : 04-08-2026

1. The petitioner has filed the Writ petition for the following reliefs:

(i) *To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the order dated 20.07.2023 passed in Supply Revision Case No. 71/2021 passed by the Commissioner, Koshi Division, Saharsa whereby and whereunder he has dismissed the revision case filed by the petitioner.*

(ii) *To quash the order dated 09.07.2020 passed in (Misc. Supply) Appeal Case No.18/2019 passed by the Collector, Saharsa whereby and whereunder he has also dismissed the Appeal filed by the petitioner.*

(iii) *To direct the Sub-divisional Officer, Sadar Saharsa to issue a P.D.S. licence to the petitioner for Ward No.5 of Panchayat, Golma West Circle, P.S.-Patarghat, District-Saharsa.*

(iv) *To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.*

2. At the outset, the Learned Counsel for the petitioner draws the attention of this Court to Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. For better appreciation of the facts of the case, Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 is reproduced hereinbelow:

"32. (vii) The Principal Secretary/ Secretary of the department may call for the records related to the order passed under the provisions of this Order by the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer suo moto or upon a representation by someone, and if he is satisfied that the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer

(a) has exercised such powers which are not entrusted to him,

(b) has exercised his powers illegally without considering the facts of the case,

(c) has failed in use of his powers, he may pass an order which he thinks fit."

4. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents.

5. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has an alternative and effective remedy of filing a representation before the Principal Secretary, under Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 against the impugned order. The present writ petition is disposed off granting liberty to the petitioner to file a representation before the Principal Secretary challenging the order of the Revisional/Appellate Authority and order of cancellation withing a period of one month from the date of receipt of this order. On such representation being made, the Principal Secretary shall pass necessary orders strictly in accordance with law within a period of three months.

6. Further, if there is any delay in preferring the representation, the authority shall liberally construe the limitation period as the petitioner has approached this Court within time.

7. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed within a period of two months from the date of receipt of the representation. Any order passed shall be communicated to the party.

8. With the above observations, the present writ petition stands disposed of

9. Interlocutory Application(s), if any, shall stand disposed of.