

(2026) 08 PAT CK 2548

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.14805 of 2019

Subodhkant

APPELLANT

Vs

The State Of Bihar & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Bihar Targeted PDS (Control) Order, 2016 — Clause 10, 9(v), Section 32(iii), 32(vi), 32. (v)
Old Public Distribution System Control, 2007
Limitation Act — Section 5

Citation : (2026) 08 PAT CK 2548

Hon'ble Judges : G. Anupama Chakravarthy, J

Bench : Single Bench

Advocate : Mr. Prince Kumar Mishra, Mr. Arvind Ujjwal

Final Decision : Disposed Of

Judgement

Date : 04-08-2026

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

“(i) For issuance of writ in the nature of Certiorari quashing the decision taken by the District Magistrate as head of District Level Selection Committee dated 03/11/2018 contained in Memo No.1068, (hereinafter referred as "Impugned Order") whereby and whereunder, the claim of Petitioner for grant of Public Distribution Shop license on compassionate ground has been rejected stating inter-alia that the daughter-in-law of original licensee-Suresh Choudhary, Smt. Reeta Kumari is working as a Panchayat Teacher and same is a disability in terms of clause 10 of the Bihar Targeted PDS (Control) Order, 2016 ignoring the fact that bar as contained in Clause 10 of the Bihar Targeted PDS (Control) Order, 2016 would not apply as the case of Petitioner is governed by Old Public Distribution System Control, 2007.

(ii) For issuance of a writ in the nature of mandamus, directing and commanding upon the Respondent authorities to grant PDS license to the Petitioner on compassionate grounds for the Gram Panchayat -Sarh Majigawanwa, Village- Sarh, Block- Sirdalla, Sub Division- Rajauli, District- Nawada.”

2. The brief facts, as culled out from the Writ petition are that, pursuant to the application invited by the District Selection Committee, Nawada, the father of the petitioner, namely, Suresh Chaudhary, was granted P.D.S. dealership vide Memo No. 1028 dated 14.10.2008. Thereafter, one Ram Balak Chauhan approached the District Magistrate, stating that the father of the petitioner was wrongly selected. However, his application was rejected. Further, Ram Balak Chauhan preferred a revision application vide Revision Case No. 48 of 2009 before the Commissioner, Magadh Division, which was allowed on 28.06.2012, cancelling the licence of the petitioner's father. Being aggrieved by the same, the father of the petitioner approached this Court vide CWJC No. 14991 of 2014. However, during the pendency of the Writ petition, the father of the petitioner died on 28.01.2016, and thereafter, the mother of the petitioner, namely, Sudam Devi, was substituted. In the said Writ petition, a Co-ordinate Bench of this Court, vide order dated 29.08.2018, allowed the Writ petition, directing the District Magistrate, Nawada, to consider her case and pass an appropriate order in accordance with law. Thereafter, the petitioner along with his mother, Sudam Devi, approached the District Magistrate for compliance with the order of this Court, whereupon the petitioner was advised to apply for grant of a P.D.S. shop instead of his mother, in view of Clause 9(v) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. The Writ petition further disclose that the petitioner, thereafter applied for grant of P.D.S. Shop and the District Level Selection Committee found the petitioner eligible, but Ram Balak Chauhan raised an objection. Further, the petitioner was sought to be denied the licence on the ground that the daughter-in-law of late Suresh Chaudhary is working as a Panchayat Teacher. Thereafter, the petitioner filed a contempt application bearing MJC No. 4567 of 2018 seeking compliance with the order dated 29.08.2018 passed in CWJC No. 14991 of 2014, which was also disposed of. Thereafter, the petitioner approached this Court by way of this Writ petition and prayed for setting aside the impugned order.

4. 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) 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."

5. Admittedly, the petitioner has the remedy available under the Act to prefer an appeal before the District Magistrate. As the District Magistrate is the head of the Selection Committee, he cannot review his own orders in an appeal.

Therefore, the petitioner is directed to file an appropriate application before the Divisional Commissioner.

6. The Learned counsel for the petitioner contended that he intends to file a appropriate 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.

7. Taking into consideration that the petitioner has an alternative remedy, the Writ petition is disposed of with a direction to the petitioner to file appropriate application within one month from the date of receipt of this order before the concerned authority. The delay in filing the 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.

8. With the above said observation, the Writ petition is disposed of.

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

FOOTNOTES

1. **AFR/NAFR** NAFR
2. **CAV DATE** N/A
3. **Uploading Date** 07.08.2026.
4. **Transmission Date** NA