

22
05.08.2026
Court No. 10
D.Hira

WPA 11055 of 2026

Jahir Hossain Golder
vs.
State of West Bengal & Ors.

Mr. Syed E. Huda,
Mr. Sk. Aptabuddin,
Ms. Nabeela Akbar.
...for the petitioner

Ms. Manju Agarwal, ld. AGP.,
Mr. Bijitesh Mukherjee,
Ms. Manasi Mukherjee.
... for the State

1. Affidavit of service filed in court today is taken on record.
2. State respondents remains unrepresented in Court today. Manju Agarwal, Additional Government Pleader along with Mr. Bijitesh Mukherjee and Ms. Manasi Mukherjee are engaged in this matter and their appearances be regularised from the office of the Learned Government Pleader
 - a) The core issue involved in the present Writ Petition is with regard to the legality and the sustainability of the decision dated 21.04.2026 passed by the respondent No. 4 rejecting the petitioner's representation.
 - b) The alleged discrepancies in FPS / PDS stock allotted to the petitioner and arbitrary

deduction of approximately 20% of allocation since November 2024.

c) Whether the petitioner can be held liable for systematic/ departmental errors and pre-existing deficits.

3. The Learned Counsel appearing for the petitioner submits that the impugned decision dated 21.04.2026 passed by the respondent no. 4 is illegal, arbitrary and unsustainable in law.

4. The petitioner submits that a representation dated 08.04.2026 was filed, seeking clarification and reconsideration of discrepancies in FPS Stock, rectification of stock registrar, and release of PDS goods as per actual entitlement. The said representation was not considered in its true spirit.

a) The alleged discrepancies arose due to a systematic and departmental errors in allotment and maintenance of records.

b) The pre-existing deficits during the tenure of the petitioner's predecessor i.e. his deceased father.

c) Inconsistencies in the E-PDS System.

5. Despite the above, the respondents conducted multiple enquiries in 2024 and

arbitrarily assessed excess balances without disclosing methodology.

6. Further, since November 2024 the respondents have been illegally deducting approximately 20% of the petitioner's allocation, thereby prejudicing rights of the petitioner and hampering distribution to beneficiaries. It is submitted that the petitioner does not have any control over allotment of E-PDS Commodities by the Department. He cannot be held liable for errors committed by the Department.

7. It is submitted that the impugned order dated 21.04.2026 suffers from gross infirmity, perversity and is liable to be quashed and set aside.

8. The Learned Counsel appearing for the State vehemently opposes the submissions made by the petitioner and submits that the respondent No. 4 has rightly rejected the representation of the petitioner. The deduction in question has been made strictly in accordance with the applicable rules and prescribed online proceeding under the PDS System.

9. The allegations of wrongful and illegal deduction made by the Department are factually incorrect and untenable.

10. Having heard the parties and upon perusing the materials available on records this court finds that the petitioner has been able to make out a prima facie case warranting interference at this stage.

11. The issue involved herein pertains to disputed question of facts and the matter requires proper consideration and adjudication by the competent authority after examining records and hearing all stakeholders.

12. In view of the above observations this Court directs as follows:

- i) The order passed by the respondent no. 4 dated 21.04.2026 is quashed and set aside.
- ii) The Respondent No. 3 is directed to consider and dispose of the petitioner's representation dated 08.04.2026 afresh within a peremptory period of three weeks from the date of communication of this order. No unnecessary adjournments shall be granted. The decision shall be taken by passing a reasoned and speaking order in accordance with law upon affording an opportunity of hearing to the petitioner, private respondent and other stakeholders, if any. Such decision shall be communicated

to all concerned parties within a week thereafter.

13. With the above directions, the Writ Petition stands disposed of.

14. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)