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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6208 of 2021
(Assigned)

Rita Adhikari
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. Subhankar Das
... For the petitioner.

Mr. Sirsanya Bandhopadhyay
... For the State.

Affidavit of service filed in Court today is
taken on record.

The petitioner says that the petitioner is the
married daughter of the deceased M.R. Distributor,
namely, Nikhilesh adhikari. The petitioner husband
Kumerandra Dutta, has died on 25th March, 2009
and, as such, the petitioner had to return to her
parental house and has been residing thereat since
then. While the petitioner was residing along with her
parents in her parental house, the petitioner's father
died. The petitioner's mother made an application for
the transfer of the M. R. Distributorship in her name
and/or for appointing her as a M.R. Distributor in
the place and stead of her deceased husband. Before
the application made by the petitioner's mother could
be processed, the petitioner's mother died.

On behalf of the petitioner, it is submitted that under the West Bengal Public Distribution System (Maintenance & Control) order 2013 and in particular provisions of Clause 26(vi) thereof, the petitioner is entitled to be appointed as M. R. Distributor under compassionate ground in place and stead of the petitioner's deceased father, Nikhilesh Adhikari. The petitioner has made an application to the Director DDP &S, F & S Department, West Bengal, on 25th November, 2020. The petitioner says that the application so made by the petitioner should be considered expeditiously as the petitioner's livelihood is at stake owing to the death of her husband and her parents.

Since the application has not been considered despite lapse of about five months, the petitioner has approached this Court by filing the instant writ petition.

On behalf of the State, it is submitted that owing to pandemic and there after with the declaration of Assembly elections in the State of West Bengal, the petitioner's application could not be processed. The petitioner's application will be processed in due course of time.

Considering the petitioner's situation, I direct the respondent no.3, being the Director, District Distribution Procurement and Supply, Food

& Supplies Department, Government of West Bengal and/or the authority competent to consider the petitioner's application dated 25th November, 2020 in accordance with law and dispose of the such application within a period of eight weeks from date. The authority considering the petitioner's application shall adhere to the principles of natural justice and pass a reasoned order after hearing the parties. The order that may be passed shall be communicated to the petitioner within 7 days from the date of the passing of the same.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)