

Court No.
17
Item No.
16
ssi
21.04.
2021

MAT 334 of 2021
with
IA No: CAN 1 of 2021

Shyam Sundar Mondal
-vs-
Akbar Ali Khan & ors.

Mr. Saptangshu Basu
Md. Nauroz Rahber
Ms. Fatima Nissa

.....for the appellant
Mr. Debrabrata Saha Roy
Mr. Subhankar Das
Mr. Neil Basu
...for the respondents
Mr. Jaharlal De
Mr. Sudip Sarkar
...for the State

Re: CAN 2 of 2021
(leave to prefer appeal)

Learned counsel for the appellant has filed an application for leave to prefer an appeal on the ground that the order passed by the learned Single Judge in WPA No. 4786 of 2021 whereby the BDO, Jalangi, Murshidabad Block Development was directed to issue a corrigendum to the Notice Inviting Application for appointment as carrying cum distribution agent by specifically mentioned in the corrigendum that “distributors/ carrying contractors of the Food & Supply

Department” are only eligible to participate in the selection process for carrying cum distribution agent under the programme has adversely affected their existing right to continue to function as a distributor and or contractors in terms of the engagement as agents issued by the department concerned from time to time.

The grievance of the appellant is that without giving an opportunity of hearing to the petitioner to demonstrate that his right to continue as an agent for supply & distribution of the Mid Day Meal has been taken away by the impugned order that has been passed in violation of the principle of natural justice.

The order passed by the learned Single Judge appears to have affected the present petitioner prejudicially and adversely in discharging his duties as a carrying cum distributing agent and having regard to the fact that the petitioner was not heard we allow the application for leave to prefer an appeal against the impugned order dated 23.2.2021.

The published list has incorrectly described the first respondent as “State of West Bengal” instead of “Akbar Ali Khan”.

The department shall take note of the said fact.

CAN 2 of 2021 is allowed.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)