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18.08.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 9774 of 2021
(Via Video Conference)**

**Kanika Biswas
-versus
State of West Bengal & Ors.**

**Mr. Ranjit Kumar Roy.
...For the Petitioner.**

None appears on behalf of the respondents in spite of service. Affidavit of service filed in Court is taken on record.

The petitioner being the married daughter of a deceased Fair Price Shop Dealer prays for compassionate engagement.

By an order dated 14th January, 2021, the Sub-Divisional Controller, Food & Supply communicated to the petitioner that the Principal Secretary to the Government of West Bengal had directed to process the cases of married daughter for engagement against the license of a deceased Fair Price Shop Dealer in the light of the judgment passed by the Hon'ble High Court in the matter of Anjana Modak –vs- State of West Bengal & Ors. (WP 449 of 2019).

The impugned order dated 14th January, 2021 mentions that the petitioner was requested to submit documents to show her dependency on her father but

the petitioner has failed to submit any document showing her eligibility criteria as per the applicable control order.

The petitioner submits before this Court that her husband has a grocery shop and earns a very meager sum. The earning of the husband of the petitioner is not enough to manage or run the family. The petitioner asserts that she was completely dependent upon her father.

In support of her submission, the petitioner has relied upon an affidavit affirmed by her before the Notary Public at Calcutta and has annexed series of certificates issued by the Pradhan of the Gram Panchayat where she is residing as well as certificates issued by her neighbours to the effect that the petitioner was completely dependent upon her father.

The learned advocate appearing for the petitioner submits that all the aforesaid documents were forwarded along with the application seeking engagement before the concerned authority.

From the impugned order, it appears that the Sub-Divisional Controller did not take into consideration the documents submitted by the petitioner in support of her dependency.

The impugned order does not reflect that the certificates produced by the petitioner were taken into consideration.

In view of the above submissions, the instant writ petition is disposed of by directing the Sub-Divisional Controller, Food and Supplies being the respondent No.

4 herein to reconsider the prayer of the petitioner for being engaged on compassionate ground in the light of the documents submitted by her in support of her claim of dependency on her father.

In the event, any further document is required from the petitioner, the Sub-Divisional Controller shall intimate the same to her. If the Sub-Divisional Controller is of the opinion that the claim of the petitioner cannot be considered on the basis of the documents submitted by her, then it will be open for the Sub-Divisional Controller to make a local enquiry to verify the statement of the petitioner about her dependency on her father.

The Sub-Divisional Controller, Food & Supply shall keep in mind that the matter relates to engagement on compassionate ground and the same has to be decided at the earliest. Steps shall be taken by the Sub-Divisional Controller, Food & Supply positively within a period of eight weeks from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

W.P.A. 9774 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)