

Item No.6

27.07.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 11550 of 2021
Azizur Rahman Baidya
v.
The State of West Bengal & Ors.

Mr. Atarup Banerjee
Mr. Bapin Baidya
... for the petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan
... for the State respondents.

The learned advocate for the petitioner submits that there is no cause of action against the respondent nos. 7 & 8 and they have been inadvertently impleaded as respondents in the instant writ petition.

Prayer has been sought for expunging their names from the cause title of the writ petition. The prayer made on behalf of the petitioner stands allowed.

Leave is granted to the learned advocate-on-record of the petitioner to delete the names of the respondent nos. 7 & 8 from the cause title of the writ petition.

In response to a vacancy notice dated March 12, 2020 issued by the office of the Sub-Divisional Controller (F&S) & Ex-Officio, Assistant Director, Kakdwip, South 24-Parganas, the petitioner applied as

an individual for the purpose of filling up the vacancy of the Fair Price Shop dealership. The petitioner submits that the application was made in the prescribed format along with the necessary fees.

By a communication dated January 5, 2021 the Sub-Divisional Controller (F&S), Kakdwip, South 24-Parganas intimated the petitioner that an enquiry will be held on May 30, 2021 at the godown place against the Fair Price Shop vacancy at the centre of Piprakhali. The petitioner was requested to be present with the necessary documents at the time of enquiry.

According to the petitioner he was duly present when the enquiry took place but the petitioner is aggrieved, as since thereafter no steps have been taken by the authorities to fill up the vacancy in question.

The petitioner prays for a direction upon the respondent authorities to intimate him the fate of the application made by him in response to the vacancy notice.

The learned advocate appearing on behalf of the State respondents submits that the enquiry report will be forwarded to the concerned authority and necessary steps shall be taken for filling up the vacancy in accordance with the vacancy notice.

After hearing the submissions made on behalf of both the parties the instant writ petition is disposed of

by directing the respondent no. 2 being the Director of District Distribution, Procurement and Supply, Department of Food & Supplies, Government of West Bengal to take steps for consideration of the application made by the petitioner in response to the vacancy notice dated March 12, 2020 at the earliest, but positively within a period of twelve 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.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)