

Court No. 24
17.12.2021
(Item No. 247)
(AB)

W.P.A. 19084 of 2021
(via video conference)

Kibir Mohammad
VS
The State of West Bengal & Ors.

Mr. Rabindra Nath Chakraborty
Mr. Soumitra Banerjee
..... For the petitioner

Mr. Debabrata Saha Roy
Mr. Subhankar Das

..... For BMC

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kumar Nag

..... for the State

The petitioner intends to be appointed as
dealer of Fair Price Shop.

He is aggrieved by the rejection of his
application which has been communicated to him by
a communicating memo dated 9th November, 2021.
The communication mentions that the Department
did not find any of the applicants eligible for
appointment as FPS dealer in terms of WBPDS (M&C)
Order, 2013 as amended.

The primary ground for challenging the said
communication is that no reason has been mentioned
as to why the petitioner was found to be ineligible.

Upon direction passed by the Court the
learned advocate representing the State respondents
have produced before this court the relevant reasons
as to why the prayer of the petitioner stood rejected
being found ineligible.

It mentions that the condition which was required to be fulfilled by an applicant vide G.O. No. 1706-FS dated 21st July, 2014 mandating “applicants for dealership must have bank balance of Rs.5.0 Lakh as working capital as reflected on the date of application and one year preceding the date of application” was wanting in the case of the petitioner.

In the present case the petitioner failed to maintain the balance of Rs.5.0 Lakh in the bank account one year preceding the date of application.

The next ground for rejection was that the affidavit in annexure – 1 should have been done in the Court of a First Class Judicial Magistrate and ought to have been submitted as per clause 20 (iii) of WBPDS (M&C) order, 2013.

The petitioner filed an affidavit in the notarized form but not affirmed before any First Class Judicial Magistrate.

The learned advocate for the State respondents is directed to hand over a copy of the aforesaid information to the learned advocate for the petitioner. The information provided by the said respondents is retained with the records.

The Court does not find that there is any infirmity on the part of the respondents in rejecting the application of the petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)