

11 19.02.2021
Sc

***CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Via Video Conference)***

W.P.A. 325 OF 2021

Kedar Prasad

-vs.-

The State of West Bengal & Ors.

Mr. Jagriti Mishra
Mr. Subham Gupta.

....For the Petitioner.

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose.

....For the State.

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the manner in which the hearing is being conducted by the Sub-Divisional Controller, Food & Supplies, Malbazar with regard to transfer of P.D.S. licence under the rules of 'Compassionate Appointment'.

2. The case of the petitioner is that the hearing is proceeding in a manner wherein he is not being given an opportunity of placing his case for compassionate appointment.

3. Mr. Mishra, learned counsel appearing on behalf of the petitioner submits that the 'Questionnaire Form' has not been given to the petitioner.

4. Mr. Ghosh, learned counsel appearing on behalf of the State submits that equal opportunity should be given to all parties.

5. After hearing counsel appearing for the parties I direct the respondent concerned to grant equal opportunity of hearing to the petitioner and the private respondents and thereafter pass a reasoned order in accordance with Rule 20 of the P.D.S. Control Order, 2013 within a period of four weeks and the reasoned order be communicated to the parties within one week after passing of the same.

6. It is made clear that if the order is in favour of the petitioner, necessary follow up steps should be taken in accordance with law without undue delay.

7. With the above direction, the writ petition is disposed of. There will be no order as to costs.

8. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

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

(Shekhar B. Saraf, J.)