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11-03-2022
debajyoti
(Ct. no.06)

MAT 269 of 2022
with
IA NO:CAN/1/2022
+
CAN/2/2022

Joypur Samabay Krishi Unnayan Samity Ltd. & Anr.
Vs.
M/s. Sonai Food Marketing Private Limited & Ors.

Mr. Debabrata Saha Roy,
Mr. Indranath Mitra,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das,
Mr. Neil Basu

... For the Appellants.

Mr. Kalyan Kumar Bandyopadhyay, Sr. Adv.,
Mr. Ram Anand Agarwal,
Ms. Nibedita Pal,
Mr. Ramesh Dhara,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray

... For Respondent Nos.1 & 2.

Mr. S. N. Mookherjee, learned Advocate General,
Mr. Anirban Ray, learned Government Pleader,
Mr. Susovan Sengupta,
Mr. Subir Pal

... For the State.

The appellants were not parties to the writ petition. Hence, an application has been made for leave to appeal. We have heard the appellants after granting them leave to appeal.

CAN 1 of 2022 is disposed of.

By consent of the parties, the appeal and the stay application are taken up together for hearing.

The fundamental issue involved is aspiration of the writ petitioners in this proceeding as also the appellants to be appointed as M. R. Distributor in Joypur Block and Raghunathpur-II Block.

There were several rounds of litigation which may not be relevant at the moment. Initially, the application of the writ petitioners was rejected on the ground that it is a limited company. Such rejection was challenged before this Court and was set aside. The notice issued notifying the vacancy for the aforesaid two blocks was withdrawn by the State. Such withdrawal was also quashed by this Court at the instance of the writ petitioners. The writ petitioners were granted liberty to file their application again before the Competent Authority. That was done. By the order impugned before the learned Single Judge, the writ petitioners' application was again rejected on the ground that it is a limited company. That order has been set aside by the learned Single Judge at the instance of the writ petitioners/respondents.

The appellants say that the learned Single Judge has directed only processing of the application of the writ petitioners. If the notification canceling the vacancies has been withdrawn, in all fairness, all the applicants should be considered. The appellants further say that they were not aware that the notification canceling the vacancies has, in fact, been withdrawn.

Our attention has been drawn to an order dated May 11, 2021, issued by the Secretary, Department of Food and Supplies, Government of West Bengal, whereby, after considering the applications of all the

applicants including the present appellants and the writ petitioners, all the applications were rejected. It is not in dispute that the rejection order has not been challenged by the appellants. Hence presently, the appellants are not in the zone of consideration. The appellants say that they were not aware of the rejection order. We make it clear that the appellants, now that they are aware of the rejection order, will be at liberty to challenge such order in accordance with law, if they are entitled to do so.

In this appeal, we do not find any scope for granting any relief to the appellants. Accordingly, the appeal and the stay application are dismissed.

Affidavits not having been called for, the allegations in the stay petition shall be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)