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11.04.2022
d.p.

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

W.P.A 4063 of 2022

**Manuruddin Shaikh @ Manuruddin Sekh
-versus
State of West Bengal & Ors.**

**Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray.
...For the Petitioner.**

**Mr. Susovan Sengupta,
Mr. Subir Pal.
...For the State.**

**Mr. Biswanath Chatterjee,
Mr. Sobhan Kumar Pathak.
...For the Respondent
Nos. 2 & 3.**

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

The petitioner happens to be one of the heirs of a deceased MR Dealer and S.K. Oil Dealer. The dealer expired on 25th June, 2014.

A representation and a formal application in the prescribed format for grant of dealership was made by the petitioner before the Sub-Divisional Controller, Food and Supplies, Jangipur, Murshidabad on 9th February, 2015 praying for grant of licence on compassionate ground.

The application of the petitioner was considered and the Sub-Divisional Controller, Food and Supplies, Jangipur by a communicating memo dated 23rd

February, 2015 intimated the District Controller, Food & Supplies, Berhampore that he was of the opinion that the applicant has no other source of income to maintain his family members. As he submitted all documents in support of his application which are satisfactory, the recommendation was made in favour of the applicant for grant of MR Licence including S.K. Oil Licence on compassionate ground, if otherwise there is no bar.

The petitioner has thereafter been communicated by a memo dated 5th November, 2015 that the application of the petitioner stood rejected on the ground of delay in submission of the application.

It appears from the documents annexed to the writ petition that the petitioner did not apply for grant of license on compassionate ground within the time as specified in the Control Order, 2013.

Fact remains that till date the authorities have not taken any step for declaration of the vacancy in the said locality. There is already a recommendation in favour of the petitioner for grant of MR Dealer licence and S.K. Oil Dealer licence way back in February 2015.

As the respondent authorities did not take any steps for declaration of vacancy for a considerable period of time, accordingly, the Secretary, Food & Supplies Department is directed to reconsider the application of the petitioner for engagement on compassionate ground as FPS Dealer and S.K. Oil Dealer.

If required, the Secretary, Food & Supplies Department shall offer an opportunity of hearing to the petitioner and all other necessary parties prior to taking

a decision in the matter within a period of ninety days from the date of communication of a copy of this order.

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

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)