

05.04.2022  
SL No. 290  
Court No. 24  
(P.M)

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

**WPA 5823 of 2022**

**Gyanoda Khatun  
Vs  
The State of West Bengal & Ors.**

Mr. Debabrata Saha Roy,  
Mr. Pingal Bhattacharya,  
Mr. Neil Basu  
... for the petitioner

Mr. Susovan Sengupta,  
Mr. Subir Pal  
... for the State

The petitioner is the widow of Nur Md. Biswas, an FPS dealer who expired on 1<sup>st</sup> January, 2016. The petitioner being the widow immediately made application for being engaged on compassionate ground.

According to the petitioner, the said application was not taken up for consideration by the respondent authorities and the respondents proceeded to declare vacancy by the vacancy notice dated 1<sup>st</sup> August, 2019.

The petitioner immediately objected to the said declaration of vacancy by giving a representation. The authorities without considering the representation of the petitioner again published another vacancy notice on 13<sup>th</sup> August, 2020. The petitioner did not apply

pursuant to the vacancy notice as she already applied for being engaged on compassionate ground in the prescribed format.

The Sub-Divisional Controller, Food and Supplies, Jangipur, Murshidabad by a communication dated 28<sup>th</sup> September, 2021 requested the petitioner to attend the enquiry to be held on 5<sup>th</sup> October, 2021 against the FPS vacancy for village Uttar Mahammadpur, P.O. – Loharpur, P.S. and Block Samserganj, District Murshidabad.

It is the specific contention of the petitioner that the licence which was issued in favour of her deceased husband was in respect of the location at Hoglabari, P.O. Kakuria. It has been submitted that the petitioner never applied for the FPS vacancy for village Uttar Mohammadpur.

The petitioner prays for a direction upon the respondent authorities for consideration of her application for engagement on compassionate ground which was submitted in the prescribed format before the Sub-Divisional Controller on 22<sup>nd</sup> January, 2020.

Learned advocate on behalf of the State respondents submits that the petitioner did not apply in the prescribed format within the specified time.

It has been submitted that mere intimation of the death of the licensee is not enough for grant of licence on compassionate ground.

It appears from the submissions made on behalf of the parties that the prayer of the petitioner for grant of licence on compassionate ground is pending consideration at the end of the respondent authorities. No decision has yet been taken with regard to the said application.

In view of the above, the instant writ petition is disposed of by directing the Sub-Divisional Controller, Food and Supplies, Jangipur, Murshidabad to take a decision with regard to the application made by the petitioner for engagement on compassionate ground strictly in accordance with law, at the earliest, after giving an opportunity of hearing to the petitioner and all other necessary parties.

The said respondent shall take steps to dispose of the prayer of the petitioner within a period of twelve weeks from the date of communication of a copy of this order.

The petitioner is directed to forward copy of all the relevant documents in support of her candidature to the aforesaid respondent at the time of communicating the order of this Court.

The Sub-Divisional Controller, Food and Supplies, Jangipur shall take steps to ensure that the prayer of the petitioner is disposed of prior to taking any steps for finalization of the vacancy notice in respect of the location where the deceased licensee had the fair price shop.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

**(Amrita Sinha, J.)**