

05.04.2022
SL No. 291
Court No. 24
(P.M)

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

WPA 5913 of 2022

**Taibun Nesa Bibi
Vs
The State of West Bengal & Ors.**

Mr. Hasanuz Zaman,
Mr. Mahim Sasmal
... for the petitioner

Mr. Sirsanya Bandyapadhyay,
Mr. Arka Kumar Nag
... for the State

Pursuant to a vacancy notice published by the office of the Sub-Divisional Controller, Food and Supplies, Rampurhat, Birbhum on 11th March, 2020 published in the Kolkata Gazette Extraordinary regarding declaration of vacancy and the subsequent advertisement published in the newspaper on 5th January, 2021 the petitioner applied for obtaining a licence on 3rd February, 2021.

An enquiry was conducted by the respondent authorities but thereafter the petitioner was not intimated the details of the enquiry or the fate of her application.

The Government of West Bengal, Department of Food and Supplies SCFS, Rampurhat published a further FPS vacancy notice in the Kolkata Gazette,

Extraordinary on 6th January, 2022 regarding fresh declaration of vacancy in the same location.

According to the petitioner she failed to notice the said advertisement either in the Gazette or in the local newspaper. By the time the same came to her notice, the time limit for making the application was over. The petitioner accordingly made a representation before the Sub-Divisional Controller as well as the District Controller praying for an opportunity to apply. The said representation has not been considered.

Learned advocate representing the State respondent submits, upon instruction, that advertisement regarding declaration of vacancy was duly published not only in the Gazette but also in the English and Bengali Newspapers. The advertisement was duly published in the Aajkal and Telegraph newspapers on 10th February, 2022. The time limit was thirty days for applying from the date of publication of the advertisement.

It has been submitted that the said advertisement is still available in the website of the newspapers.

It has further been submitted that the respondents have proceeded to consider the application of the applicants who filed their

application within the time limit as stipulated in the advertisement.

It has been contended that as the petitioner failed to file the application within the stipulated time period, she has lost her chance to participate in the selection process.

From the submissions made on behalf of both the parties it appears that the first advertisement which was published could not be finalized due to non-availability of eligible candidates and accordingly fresh vacancy notice was published in January, 2022. Newspaper publication was made on 10th February, 2022.

The petitioner ought to have kept vigil as she was an interested party to participate in terms of the vacancy notice. On the first occasion when the vacancy notice was published in the year 2021 she noticed the advertisement and made application within the due date. But on the next occasion when the same was published upon cancellation of the previous notice in the year 2022 she missed the same.

The respondent authorities are in the process of consideration of the application of the applicants who applied within the specified time limit.

It will not be proper for the Court to pass any mandate upon the respondent authorities to consider application of applicant(s) who did not file application within the prescribed time limit.

Accordingly, no relief can be granted to the petitioner in the instant case.

However, it will be open for the Sub-Divisional Controller, Food and Supplies to consider the application of the petitioner along with other applicants if the said authority feels that an opportunity may be given to the petitioner as she was an applicant in response to the previous vacancy notice which stood cancelled by the subsequent notice.

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.)

