

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 17253 of 2022

Manik Bhowmik

VS.

The State of West Bengal & Ors

For the Petitioner : Mr. Debasis Sur
Mr. A. Patra

For the State respondents : Ms. Chaitali Bhattacharya
Mr. Subhendu Roy Choudhury

For the respondent no. 3 : Mr. Sk. Rejaul Alam

Heard on : 14.09.2022

Judgment on : 14.09.2022

Jay Sengupta, J.:

This is an application praying for direction upon the respondent authorities to verify the application filed by the first wife for her competency with regard to the deceased MR Dealer, Vivekananda Bhaumik towards engagement on compassionate ground.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a son of the second wife of the deceased MR Dealer. Applications were made by the first wife, the second wife and the son of the second wife for obtaining MR Dealership on

compassionate ground. By a letter dated 25.06.2021, the Sub-Divisional Controller, Food & Supplies, Tamluk, Purba Medinipur intimated the claimants that an application can be considered only by one of the legal heirs and others have to give no objection for such purpose. Subsequently, by a communication dated 14.07.2022 the petitioner was intimated by the Sub-Divisional Controller and Ex-officio Assistant Director, Food & Supplies, Tamluk that although the son of second wife is eligible for appointment on compassionate ground, however, in such event, no objection certificate has to be obtained from the eligible family members. At this stage, the petitioner would like to have the respondents verify the application of the first wife as regards her competency.

Learned counsel appearing on behalf of the State submits that while the petitioner's claim to dealership on compassionate ground would be subject to issuance of no objection certificates from the other eligible family members, the right of the first wife is not subject to any such no objection certificate. Incidentally, no divorce had taken place between the erstwhile MR dealer and his first wife.

Learned counsel appearing on behalf of the first wife, i.e. respondent no. 3 submits that this is a frivolous application and the petitioner does not have any right to question the veracity of the application made by the wife.

First, it does not appear that impugned letters issued by the authorities upon the petitioner's right. It further appears that while the relevant rules made it clear that no objection is not required if the applicant is the spouse of the deceased licensee. However, in the event, the present petitioner being the son of the second wife wishes to make a claim that no objection might be required from the other eligible claimants. The letters issued by the respondent authorities do not at all dispute this position of law.

On the contrary, the first wife claim being the independent of present petitioner's issuance of no objection. The present petitioner does not have any right to question the veracity of the application made by the first wife of the deceased for MR Dealership.

Therefore, I do not find any merit in this application.

Accordingly, the same is dismissed.

There shall be no order as to costs.

Urgent photostat certified copies of this judgment may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta,J.)