

Court No. 24
06.01.2022
(Item No. 249)
(AB)

W.P.A. 20918 of 2021
(via video conference)

Sima Shaw
VS
The State of West Bengal & Ors.

Mr. Krishnendu Bera
... for the petitioner

The petitioner intends to be appointed as a wholesaler of Public Distribution Commodities. He approached this Court on an earlier occasion by filing a writ petition being AST 12 of 2016 wherein the Court by order dated 26th February, 2016 directed the respondent authorities to complete the entire process of appointment for wholesalers in terms of paragraphs 17 and 18 of the Control Order, 2013 within six months from date.

The petitioner was compelled to file an application for contempt as the authorities did not comply with the direction passed by the Court.

It appears thereafter that the State Government published notification for filling up the vacancies but as no suitable candidate was found the vacancies could not be filled up.

By a memo dated 5th March, 2020 the petitioner was intimated, under the Right to Information Act, 2005, that since no suitable candidate could be selected out of the applications who applied in terms of the notifications dated 14th July, 2017 and 31st August, 2017, the Government in Food and Supplies department accorded approval for re-notification of the aforesaid fifteen vacancies incorporating a

relaxation clause. The vacancies were re-notified on 23rd June, 2018 and the notification was published in the Calcutta Gazette on 5th July, 2018.

At the time of processing the applications received against those notifications it was observed that the publication of the particular notification was not done in the manner as provided under the Control Order 2013. The vacancies were again re-notified on 29th January, 2019. The validity of the notification expired due to efflux of time and ultimately the vacancy notifications were cancelled vide a further notification dated 9th August, 2019 published in the Calcutta Gazette on 13th August, 2019.

The petitioner prays for a direction upon the respondent authorities to conclude the process of selection of wholesalers in terms of the direction passed by the Court on 26th February, 2016.

None appears on behalf of the State.

It appears from the documents annexed to the writ petition that the Court way back on 26th February, 2016 directed the respondent authorities to complete the process of appointment of wholesalers within six months. The time framed by the Court for completion of the process expired long back. The State respondents thereafter though published notifications on several occasions but for varied reasons the vacancies were not filled up. It appears that the notifications were ultimately cancelled in August, 2019.

It is high time that the respondents take positive steps to fill up the vacancies at once.

Accordingly, the instant writ petition is disposed of by directing the respondent authorities to take immediate steps for filling up the vacancies strictly in accordance with the Control Order, 2013 at the earliest, but positively within a period of six months from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)