

41 09.11.2022
NB Ct. 39

WPA 23546 of 2022

Ujjwala Dey

Vs.

The State of West Bengal & Ors.

Mr. Ram Anand Agarwal,

Ms. Nibedita Pal,

Mr. A. G. Mukherjee,

Ms. Sonam Ray.

....for the petitioner.

Mr. Nilotpal Chatterjee,

Mr. Printik Gorai.

...for the State.

This is an application seeking direction upon the respondents to grant appointment of a fair price shop distributorship to the petitioner against the vacancy notification no.361/DR/SSLC/10/19 (Part-III) dated 21st December, 2021 with a prayer for interim order of injunction restraining the respondents from granting appointment of such dealership to any person without considering the petitioner's candidature.

Affidavit of service filed earlier shows that service could not be completed as regards the respondent no.5. A copy of the track report filed in Court is taken on record. It shows that the respondent no.5 could not be served with a notice.

Learned counsel appearing on behalf of the petitioner submits as follows. Although the petitioner was eligible to get the fair price shop dealership, yet the same was not granted to him. Instead the authorities are in the process of granting same in favour of the respondent no.5. However, the respondent no.5 is not a resident of the concerned area. A representation dated 21.10.2022 was made before the Secretary, Food and Supplies

Department, Government of West Bengal. The same was taken into consideration.

Learned counsel appearing on behalf of the State submits as follows. The petitioner himself is not eligible for getting a dealership because the shop offered by him was of less than the minimum area required for setting up the shop in terms of the notification dated 21st December, 2021.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears from the above that the petitioner has made out a case for consideration of his representation by the concerned authority.

No prejudice will be caused to anyone, if a direction is passed to consider the representation made by the petitioner, subject to an opportunity of hearing given to the respondent no.5.

In view of the above, I direct the Secretary, Food and Supplies Department, Government of West Bengal to consider the representation made by the petitioner on 21.10.2022 within six weeks from the date of communication of this order after giving an opportunity of hearing to the petitioner as well as the private respondent being the respondent no.5.

It is clarified that merits of the case have not been gone into.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)