

34 17.11.2022
NB Ct. 39

WPA 23560 of 2022

Ramkrishna Dey
Vs.
The State of West Bengal & Ors.

Mr. Ram Anand Agarwal,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray.
...for the petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Arka K. Nag,
Ms. Tapati Samanta.
...for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondents to grant appointment of fair price shop dealership against the vacancy notification no.228/SCFS/Suri/Birbhum/2022 dated 15.02.2022 in favour of the petitioner.

Affidavit of service filed on behalf of the petitioner is taken on record.

From the affidavit of service, it does not appear that the private respondent could be served with a notice. However, the only role ascribed of the private respondent in the writ petition is that she was in the process of being appointed as a fair price shop dealer.

Learned counsel appearing on behalf of the petitioner submits as follows. On 15.02.2022, a notification declaring vacancy of fair price shop dealers at Punur was

passed. The same was published in several newspapers. On 15.05.2022, the petitioner submitted an online application to get the dealership and an enquiry was held subsequently. Thereafter, upon hearing the representation made by the petitioner, a re-enquiry was held. However, the petitioner has not yet been granted the dealership. It is learnt that the private respondent is in the process of being granted such dealership. The petitioner's further contention is that the private respondent does not fulfill the criteria for being granted such dealership. The petitioner demanded justice, but was refused any relief.

Learned counsel for the State submits that if a representation has been made by the petitioner, the same may be considered by the concerned respondent after hearing the interested parties.

I have heard the learned counsels appearing on behalf of the parties.

It appears that the petitioner has already made a representation, which has not been considered yet.

There is nothing on record except for the averment made by the petitioner that the respondent is in the process of being granted the dealership.

No prejudice will be caused to anyone if a direction is passed upon the respondent to consider the petitioner's representation upon hearing all the interested parties.

In view of the above and in the interest of justice, I direct the Secretary, Food and Supplies Department or any competent officer appointed by him to consider the

representation of the petitioner after hearing all the interested parties and to decide the same within a period of four weeks from the date of communication of this order and then to communicate the decision thereafter to the petitioner within a fortnight from such order.

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.)