

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 53 of 2023

Anima Mondal Naskar

Vs.

State of West Bengal & Ors.

For the Petitioner : Mr. Krishnendu Bera
Mr. Subhendu Banerjee

For the State : Mr. T.M. Siddiqui
Ms. Adreeka Panday
Mr. Susovan Sengupta

Heard on : 03.05.2023

Judgment on : 03.05.2023

Jay Sengupta, J.:

This is an application under Article 226 of the Constitution of India, inter alia, praying for a direction upon the respondent authorities not to give effect to the memo being No. 1228/SC/FS/BRP dated 21.11.2022 issued by the Sub-Divisional Controller (Food & Supply), Baruipur, South 24 parganas.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an MR Dealer having 10828 cards attached. There was no complaint against him regarding his performance as a dealer. Yet, a vacancy notification was issued for the same area. There are several other FPS dealers having more cards than the present petitioner in whose area no vacancy notice has been

declared. This must be for some extraneous consideration. A uniform approach has to be followed and only the petitioner cannot be targeted in the name of implementing a new policy. Moreover, according to the paragraph 20 of the West Bengal Public Distribution System (Maintenance & Control) Order, 2013, the last date of receiving an application shall be 30 days from the date of notification of vacancy. However, in the present notice, only 21 days have been given.

Learned counsel appearing on behalf of the State submits as follows. As regards the period of notice, the same is covered by an amendment dated 9th August, 2021 whereby the period of notice was reduced from 30 day to 21 days. On merits, the policy for rationalizing ration cards vis-a-vis the MR Dealers has been undertaking in an uniform manner. Wherever there is a need, first the said area is given preference. However, rationalization will be done in all areas. In any event, the petitioner does not have right to claim a minimum number of ration cards to be attached to the dealership. However, the earlier policy of having a minimum for the existing cards, as amended from time to time and as has been annexed to the report of the State, is being followed.

I have heard the learned counsels for the parties and have perused the writ petition, the report and the exception.

It appears that the petitioner has cards in the range of more than 10000.

Even, as per the copy of the latest policy document as regards the minimum number of cards available in the Report, the number the cards for existing FPS should be retained in the range of 5000 to 6500 and the new FPS may start with a range 3000 to 4500. Even if, the maximum number of ration cards for new FPS is deducted from the existing cards of the present petitioner he would still retain the minimum cards as suggested in the memo dated 11.02.2022.

Furthermore, it is not for the petitioner to dictate from where the respondent authorities would start the process of rationalization.

It has been undertaken by the State that they are going to implement the process of rationalization as per need in respect of all the areas. Therefore, there is no need for interference.

Accordingly, I do not find any merit in this case.

In view of the same, the writ petition is disposed of without any 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.)