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18.04.2023
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Ct 39

WPA 3007 of 2023

Arindam Mondal

-vs-

The State of West Bengal & ors.

Mr. Sambhunath De
....for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka Kr. Nag
...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities, especially the respondent nos. 2 to 5 not to reject the application of petitioner for filling up vacancy of Fair Price Shop Dealership at Adampur under Daspur-II Block, District- Paschim Medinipur.

Learned counsel appearing on behalf of the petitioner submits as follows. A vacancy notice was issued for FPS dealership at Adampur under Daspur-II Block, District Paschim Medinipur. The petitioner applied for the dealership. The vacancy notification no. was 141 (34) SG/FS/GTL 2014. However, he received no response in this regard. After he filed an application under the RTI Act, it was intimated to him that certain notifications of FPS vacancy were cancelled. But, there the particular vacancy notification for which the petitioner applied for was not present. Till date no response is there from the respondents' end as to the fate

of the petitioner's application. The petitioner has learnt that the respondents have already issued an order in respect of filling up of vacancy in respect of the said notification.

Learned counsel representing the State relies on Memo No. 141/SC/FS/GLT/14 dated 14.03.2014 and submits as follows. As would be evident from Memo No. 379/SC/FS/GTL/2019 dated 13.08.2019, a copy of which has been annexed with the writ petition, issued by Sub-Divisional Controller, Food and Supplies, Ghatal to the petitioner that vide notification no. 2643-FS/O/Sectt./Food/6F-82-2015, date 17.05.2015, the Governor was pleased to cancel with immediate effect the F.P.S. vacancy notifications vide several Memos including Memo No- 540-FS/Sectt/Food/4M-16/2013 dated 04.03.2014. It would be evident from the vacancy notice dated 04.03.2014 in question that the same was, in turn, issued vide Memo No. 540-FS/Sectt/Food/4M-16/2013 dated 04.03.2014, which had been cancelled by the Governor. This was duly communicated to the petitioner. The petitioner was possible unable to understand the meaning and purport. However, it was quite evident that the petitioner had knowledge that the vacancy in question was cancelled and therefore, there is no merit in the writ petition.

At this stage, learned counsel for the petitioner submits that the petitioner may be granted liberty to apply for the dealership in pursuance of the fresh vacancy notification.

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

It appears that the vacancy notification in respect of which the petitioner applied for dealership had been cancelled by the Governor vide notification no. 2643-FS/O/Sectt./Food/6F-82-2015 dated 17.05.2015. The petitioner ought to have comprehended the same from a careful reading of the relevant documents.

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

Accordingly, the same is dismissed.

There shall be no order as to costs.

However, if according to the fresh notification, still there is time for the petitioner to apply for such dealership, the petitioner shall be entitled to do on same.

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

(Jay Sengupta, J.)