

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 3720 of 2023

**Dakshinnagar Adarsha Kreta Samabay Samity Limited
Vs.**

The State of West Bengal & Ors.

With

WPA 21582 of 2019

**Dakshinnagar Adarsha Kreta Samabay Samity Limited
Vs.**

The State of West Bengal & Ors.

For the petitioner : Md. Raihan Reja

Judgement on : 22.08.2023.

Bibek Chaudhuri, J.

Affidavit of service be kept with the record.

The petitioner is a Samabay Samity represented by its Office Bearer/ Assistant Secretary. The petitioner has filed WPA 21582 of 2019 against the respondent authorities praying for issuance of writ in the nature of mandamus commanding the respondents, particularly the respondent No.6 for taking immediate steps for consideration of representation dated 4th June, 2019 filed by the petitioner.

In WPA 3720 of 2023 the petitioner has prayed for issuance of writ in the nature of mandamus commanding the respondents,

particularly respondent No.6 for taking immediate step/action for publication of the notification dated 19th September, 2022 giving reasons for cancellation of earlier notification.

In both the writ petitions it is the case of the petitioner that on the basis of a vacancy notification dated 12th February, 2019, the petitioner made an application for grant of licence for fair price shop dealership in favour of the petitioner. However, the said application was not considered filed by the petitioner. The petitioner made a representation to know as to why the application filed by the petitioner on the basis of 2019 notification was cancelled but the respondent authority, particularly respondent No.6 did not wish to give any reply to the petitioner.

On the contrary, the respondents made a fresh notification dated 19th September, 2022 in respect of the same vacancy seeking for applications from the eligible candidates. The petitioner has challenged the veracity of the notification dated 19th September, 2022 and the reason for cancellation of the notification dated 12th February, 2019.

I have heard the learned Advocate for the petitioner. It is true that a notification was issued on 12th February, 2019 for granting licence in respect of fair price shop. The said vacancy notification was

subsequently cancelled and a new vacancy notification was issued on 19th September, 2022.

It is needless to say that the State authority has the power and jurisdiction to cancel a notification and for this reason it is not under obligation to assign any ground to the petitioner and other applicants. WBPDS (Maintenance and Control) Order, 2013 does not postulate any such requirement to be complied with by the Food and Supplies Department. Therefore, on cancellation of the notification dated 12th February, 2019, the petitioner/Samabay Samity was entitled to file fresh application for grant of licence. If the petitioner fails to file appropriate application for grant of licence, this Court cannot pass any order permitting the petitioner to file application for grant of licence after the expiry of the time period.

In view of the above discussion, I do not find any merit in both the writ petitions. Accordingly, both the writ petitions being WPA 21582 of 2019 and WPA 3720 of 2023 are dismissed on contest. However, there shall be no order as to costs.

(Bibek Chaudhuri, J.)

***Mithun De.
A.R. (Ct).
Sl No.13 & 14..***