

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

WPA/6796/2023

Basarot Ali

-Vs-

The State of West Bengal & Ors.

For the petitioner: Mr. Tapash Kr. Bhattacharya, Adv.,
Mr. Aviroop Bhattacharya, Adv.

For the State:- Mr. Amrita Lal Chatterjee, Adv.,

Heard on: 17 August, 2023.

Judgment on: 17 August, 2023.

BIBEK CHAUDHURI, J. : –

1. By an order dated 21st July, 2014 the Principle Secretary, Government of West Bengal and Commissioner of Food invited application for appointment of a MR Dealership for number of Gram Panchayats within the district of Uttar Dinajpur including Altapur-I Gram Panchayat. In the said vacancy notification it was also declared that licence for MR Dealership would also be granted in respect of village Raghobpur within Altapur-I Gram Panchayat as it had fallen vacant. The petitioner filed an application for grant of licence in favour of him. It is stated by the petitioner that with the permission of the Gram Panchayat authorities he constructed a godown required for rationing business as per the terms and conditions of licence and obtained trade licence from the Pradhan of Altapur-I Gram Panchayat. The petitioner also submitted documents relating to his financial solvency for the purpose of consideration of his

application for appointment of MR Dealership for Altapur-I Gram Panchayat. An inquiry was conducted in the year 2014 to see the eligibility criteria of the applicant by the Food Inspector and a report was submitted to the Sub-Divisional Controller, Food and Supplies in the year 2014. However, the petitioner was not granted licence of MR Dealership though he was selected. It is alleged by the petitioner that after 2014, whenever the petitioner went to the office of the Sub-Divisional Controller, Food and Supplies Department, he was asked to visit the higher authority of the Sub-Divisional Controller. In this way, the petitioner has been waiting since 2014. Further case of the petitioner that, all on a sudden in the month of February, 2023 the petitioner came to know that the Sub-Divisional Controller again declared the said vacancy in the month of January, 2023 and invited application for filling up the said vacant post of dealership in respect of Altapur-I Gram Panchayat. Petitioner was not aware about such vacancy notification. Therefore, after the expiry of the time limit he submitted his application through online mode.

2. At this stage, it is the only prayer of the petitioner that his application in online mode may be accepted and candidature may be considered in respect of grant of licence in favour of the petitioner.

3. At the time of hearing of the instant application, the learned Advocate for the state respondent submits that report which was forwarded to him by the Sub-Divisional Controller, Food and Supplies, Islampur, Uttar Dinajpur. It is contended by the learned Advocate for the state respondent that the vacancy notification dated 21st July, 2014 was

rejected by the Hon'ble Supreme Court in the **State of West Bengal and Ors. vs. Gitashree Dutta (Dey)** reported in **(2022) Supreme SC 1415**.

4. Since the said notification was rejected, the Sub-Divisional Controller, Food and Supplies notified fresh vacancy for village Raghobpur within Altapur-I Gram Panchayat in the year 2023 vide memo No.1121/SCFS/ISP/2022 dated 16th November, 2022. The said notification was declared and published after observing all norms under Clause 20 of the WBPDS, (Maintenance and Control) Order, 2013. The said order was duly published in 2 local newspapers. The candidates were asked to submit their application online. There is no provision to accept any online application as contended by the petitioner.

5. Having heard the learned Advocate for the petitioner as well as the learned P.P-in-Charge, this Court is of the view that when the competent authority responsible for granting licence as prescribed a particular mode of submission of application, any direction allowing different mode of submission of application will open a floodgate and otherwise eligible candidates who could not file online application within the stipulated period of time will also be allowed to grant permission to file application through online mode.

6. In view of such circumstances, I do not find any merit in the instant writ petition and accordingly the writ petition is dismissed on contest. However, there shall be no order as to cost.

(Bibek Chaudhuri, J.)