

Form J(2)

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

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

WPA No. 13082 of 2023

**Md. Harun Al Rashid Gazi
Vs.
The State of West Bengal & Ors.**

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

For the State : Mr. Susovan Sengupta.

Judgement on : 13.06.2023.

Bibek Chaudhuri, J.

Affidavit-of-service filed in Court today be kept with the record.

Only issue involved in the instant writ petition is as to whether the private respondent no. 5 has the requisite qualification for his appointment as a MR dealer of village Mominpur within Champapukur Gram Panchayat, Basirhat – II Development Block under Basirhat Sub-Division, North 24-Parganas.

It is the case of the petitioner that a vacancy notice was published in the Calcutta Gazette Notification No. 411 dated 6th March, 2020 for selection of granting licence of fair price shop to the suitable applicant. The petitioner is an unemployed person and he satisfied all the eligibility criteria in the said Gazette notification and, therefore, he

made an application before the concerned authority for grant of licence in favour of him. Subsequently, the petitioner came to know that the respondent no. 5 has been selected and licence was granted in favour of him.

The petitioner came to know through an application under the RTI Act that a purported godown is situated on an agricultural land, classified as 'Bilan'. Moreover, the respondent no. 5 is a service holder and has been working as Additional Supervisor of MGNREGA of Champapukur Gram Panchayat. Therefore, the application of respondent no. 5 ought to have been rejected on the above-mentioned two scores. The petitioner, therefore, made a representation before the Secretary, Food and Supplies Department, Government of West Bengal on 22nd May, 2023 but the said application has not been disposed of by the Secretary, Food and Supplies Department till date.

Being aggrieved the instant writ petition has been filed for a direction upon the respondents, specially respondent no. 1 to decide the representation filed by the petitioner. The learned Advocate for the State has not admitted the contention made by the petitioner. On the other hand, it is submitted by the learned Advocate for the State that licence having been granted in favour of the respondent no. 5, the representation in question cannot be looked into at this stage.

Having heard the learned Advocates for the parties this Court is of the view that this Court is well within the jurisdiction to direct the administrative authority for revisiting the process of selection of FPS dealer if such selection violates the necessary eligibility criteria made by the administrative authority.

In view of such circumstances, the instant writ petition is disposed of directing the respondent no. 1 to consider and dispose of the representation filed by the petitioner after giving opportunity to both the stakeholders and/or their representatives within 45 days from the date of this order. Grant of licence in favour of respondent no. 5 will not be given effect till the disposal of the representation submitted by the petitioner before the Secretary, Food and Supplies Department.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 10.