

Form J(2)

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

**Present :
The Hon'ble Justice Bibek Chaudhuri
WPA 16373 of 2023**

**Umme Salma Bibi
Vs.
The State of West Bengal & Ors.**

**For the petitioner : Mr. Animesh Mukherjee,
Md. Ali Ahasan,**

For respondent No.6. : Ms. Nibedita Pal

**For the State respondents : Ms. Jyotsna Roy Mukherjee,
Ms. Srijani Mukherjee**

Judgement on : 26.07.2023.

Bibek Chaudhuri, J.

The petitioner is an applicant for dealership of fair price shop which was notified on 28th March, 2022 in respect of village Joykrishnapur, Police Station Nabagram in the district of Murshidabad.

It is the case of the petitioner that the petitioner made the application for dealership of fair price shop with all requisite papers and documents as directed in the vacancy notification but till date she has not been informed as to whether her prayer was allowed or rejected. On 11th January, 2023 the petitioner made a demand notice through his learned Advocate to the respondent authorities with a prayer to let her know about the fate of her

application but the same has not been intimated as yet which prompted the petitioner to file the instant writ petition.

It is submitted by the learned Advocate for the petitioner that the petitioner has the right and the respondents have the reciprocal obligation to know and intimate the fate of her application. However, it has not been officially informed to her.

The learned Advocate for the State respondent submits a report wherefrom it is ascertained that on the basis of application filed by the petitioner as well as private respondent No.6, a spot verification was made by the Officials of the State respondents and it was found that the petitioner failed to fulfil the requisite criteria of availability of a godown and adjacent office-cum-shop with measurement and specification stated in the application. During spot verification it is found that the petitioner is having a godown measuring about 226 Sq.ft. and an office space measuring about 155 Sq.ft. As per the notification the minimum measurement of the godown for fair price shop dealership is 400 Sq. ft. and office space is 200 Sq. ft. As the petitioner failed to fulfil her criteria, her application was rejected.

It is also recorded that the land over which the aforesaid godown was constructed is recorded as "Pukurpar" (bank of a pond) and the same is also not in the name of the petitioner. Moreover, the petitioner did not have adequate bank balance as required for getting fair price shop dealership.

It is submitted on behalf of the private respondent No.6 that licence has already been granted in favour of private respondent No.6 and he has been running the fair price shop for more than three months.

Though the learned Advocate for the petitioner does not oppose to the submission made by the learned Advocates for the State respondent as well as the respondent No.6, it is the only grievance of the petitioner that she is entitled to know the result of her application even if it be rejected.

Having heard the learned Counsel for the parties, this Court is of the view that the report submitted by the learned Advocate for the State is noticed to the petitioner that her application is rejected.

Therefore, no further order is warranted in the instant writ petition. Accordingly the instant writ petition is dismissed on contest, however, without costs.

The report submitted by the State respondent be kept with the record.

This order, however, does not disentitle the petitioner to challenge the report submitted by the State respondent in future.

(Bibek Chaudhuri, J.)

***Mithun De.
A.R. (Ct).
SI No.2.***