

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side**

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

WPA 17740 of 2023

**Dilip Mondal & Ors.
-Vs.-
State of West Bengal & Ors.**

**For the petitioners : Mr. Partha Pratim Roy,
Md. Y. Mondal**

**For the State respondents : Mr. Arka Kumar Nag,
Mr. Sirsanya Bandopadhyay**

Heard & Judgment on : 07.08.2023

Bibek Chaudhuri, J.

It is the case of the petitioners that the petitioners intending to have the dealership of fair price shop wanted to file online application within the stipulated period of time in respect of vacancy notification dated 28th March, 2023 issued by the Director of DDP&S, Food and Supplies Department, Directorate of DDP&S. As per the petitioners, the petitioners were under obligation to deposit the form through online mode only by 17th April, 2023 being 21 days from the date of publication of vacancy notification. However, it is contended on behalf of the petitioners that during the entire period online portal of the Food and Supplies Department was not in operation and, therefore, they could not file their application through

online mode during the stipulated period of time. Immediately on 19th April, 2023 they made an application before the Sub-Divisional Controller which was received on 20th April, 2023 stating, *inter alia*, that the petitioners could not deposit the application form due to the non-operation of the official portal. Therefore, the petitioners have prayed for acceptance of their application. It is submitted by Mr. Nag, learned Advocate for the State respondents that against the said vacancy notification 64 applications were received, out of the said 64 applications 14 applications were received online and 50 applications were received by hand. Thus, it is ascertained from the submission made by Mr. Roy and Mr. Nag that though in the vacancy notification dated 28th March, 2023 it was directed that the applications shall only be taken through online mode but the respondent authority took as many as 50 applications through offline mode. This matter has not been notified by the Food and Supplies Department. The applicants who have already filed their applications have not been made parties to the instant writ petition. Therefore, in my considered view the petitioners' representation should be favourably considered by the State respondents and their applications ought to be accepted by the State respondents, specially Sub-Divisional Controller of the concerned jurisdiction on hearing of the petitioners. Entire process of acceptance of applications be completed within 15 days from the date of communication of the order by the Sub-Divisional Controller, Food and Supplies Department.

This order is passed under the facts and circumstances of this case and it will not create or act as a precedent in respect of similar other matters.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 05.