

Form J(2)

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

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

WPA 21367 of 2023

**Ashok Adhikary and Anr.
Vs.
State of West Bengal & Ors.**

For the petitioner : Mr. Debasis Kar

For the State : Mr. Amrit Lal Chatterjee

Item No.06

Heard & Judgement on : 13.09.2023

Bibek Chaudhuri, J.

It is the case of the petitioner that vacancy notice for dealership of fair price shop dated 5th January, 2023 in respect of Durganagar Colony within 200 metre radius of Loknath Temple, Madral within P.S. Jagaddal in the district of North 24 Parganas was not properly notified as per the guideline mentioned in W.B. Urban PDS (Maintenance and Control) Order, 2013. Therefore, the petitioner did not get any scope to make an application for fair price

shop dealership. In this way, the petitioner's legal right has been infringed or violated.

The learned advocate on behalf of the State Respondents submits that the vacancy notification dated 5th January, 2023 was duly published on 11th January, 2023 in two newspapers namely, the Telegraph and Aajkal. The notification was also published in the official gazette. The State Authority has no obligation or corresponding duty if the petitioner failed to take notice of the said notification published in the newspaper. It is absolutely the discretion of the State Government in which newspaper they would publish notification. Since notification was published in two newspapers and failure on the part of the petitioner to file the application for FPS dealership because of the fact that the notification published in the aforesaid newspapers lost his sight, does not violate any legal right of the petitioner as well as the corresponding duty of the State Respondents.

In view of such circumstances, I do not find any merit in the instant writ petition and accordingly, the writ petition is **dismissed**.

There shall, however, be no order as to costs.

(Bibek Chaudhuri, J.)

