

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

WPA 22079 of 2022

Md. Hossain Ali
Vs.
State of West Bengal & Ors.

For the Petitioner : Md. Harun-All-Rashid
Mr. Azizul Islam

For the State : Mr. Nilotpal Chatterjee
Mr. Prantik Garai

Heard on : 27.03.2023

Judgment on : 27.03.2023

Jay Sengupta, J.:

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to make an enquiry for filling up the vacancy of dealership of new fair price shop at Mahammadpur Mouza under Patikabari Gram Panchayat, Police Station Nowda in the district of Murshidabad.

No one appears on behalf of the private respondents, although the petitioner and the State are represented.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was eligible for obtaining the dealership in

question. He had earlier made an application in the year 2019 when a notification was issued in respect of the dealership in question. However, the same was not proceeded with and a fresh notification was issued vide memo no. 592/SCFS/BER/2022 dated 11.05.2022. Before applying for the dealership, the petitioner made the payment of the relevant sum of application fee through treasury challan. Thereafter, he duly applied at the Web Portal of the Department for such dealership and after the application was uploaded it was shown that the same was successful. The application was submitted on 14th June, 2022. Since, there was no response in respect of the same, the petitioner made another application. Subsequently, the petitioner learnt that no enquiry has been directed in respect of the petitioner's application because apparently the application fee was not paid through the GRIPS portal and paid only through treasury challan.

Learned counsel representing the respondent authorities submits as follows. That the web portal showed that the application was successfully uploaded pertains only to the uploading of the application. Subsequently, enquiry has to be made as to whether the money is paid as application fee through the relevant portal. The FPS vacancy notice clearly mentioned that *"The application fee has to be deposited through GRIPS portal under the Head of Account 0408-00-101-001-16"*. It could not have been paid in any other form. The petitioner ought to have read the vacancy notice carefully. An enquiry

process is already on. If the petitioner is allowed to apply afresh, the entire process will be jeopardized and this will open flood gates in respect all those defective applications that might have been made for such vacancy notices.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition, the report and the affidavits.

It is not in doubt that the vacancy notice contained specific stipulation that the application fee was to be deposited through GRIPS portal under the particular Account Head. Admittedly, the same was not done in this case. The process of filling up of vacancy is already on.

In view of the non-payment of application fee under the proper head and through the relevant portal, the petitioner's application cannot be treated as an valid application.

Moreover, a person who vies for dealing with public distribution system cannot act in such an unmindful and casual manner while applying for such engagement.

On the other hand, there is also much merit in the submission of the respondent authorities that if such defects are allowed to be cured at such a mature stage of enquiry, flood gates will open and all the applicants filing defective petitions would come and stall proceedings at different stages.

In view of the above and in the interest of justice, I find no merit in this application.

Accordingly, the writ petition is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copies of this judgment may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

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