

WPA 22979 of 2022

Mrinal Maiti

-vs-

The State of West Bengal & ors.

Mr. Aswini Kr. Bera

Mr. Arijit Bera

...for the petitioner

Mr. T. M. Siddiqui

Mr. Nilotpal Chatterjee

Mr. Sutanu Chakrabarty

...for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondents to consider afresh the selection process of M.R. dealership at Kankra as per the first and second notifications of 2014 and 2021 where the place of vacancy was at Kankra, but the same was deliberately changed in the third notification to “Kankra-Sibrampur” to deprive the petitioner as the petitioner was the fittest candidate for the vacancy.

Reply filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. A notification came out in the year 2014 for an M.R. dealership at village- Kankra in Paschim Medinipur. The petitioner applied for the same. However, subsequently, the notification was cancelled and a second notification was published in 2021 for the same village namely, Kankra. The petitioner applied for such dealership

in view of the said notification. The place actually consists of 6 villages and if a vacancy was declared for the village-Kankra, then all the villagers would be benefited for the same would be at the middle of the area. However, subsequently, a third notification for vacancy was published for the same area although the name of the village was changed from Kankra to Kankra- Sibrapur. In effect, the shop then would be established on the eastern side of the area and not in the middle. The petitioner was the fittest candidate to get such dealership if the village would have been Kankra. It is the petitioner's belief that in order to deprive him from having such dealership, the third notification was published.

Learned counsel appearing on behalf of the State relies copies of documents annexed with the affidavit in opposition and submits as follows. From the inspection report dated 27.10.2021, sent by the Inspector, Food & Supply, Balichak to the Sub-Divisional Controller (F & S), Kharagpur, Paschim Midnapore, it is clear that an inquiry was made by him for verification of the actual village name. After checking the address in the land records of the surrounding people and upon asking the local people about the exact name, he came to know that the village was named Kankra-Sibrapur. Accordingly, a vacancy notification dated 10.02.2022 was issued correcting the name. Therefore, there is no question of trying to favour anyone or trying to deprive the present petitioner for that matter.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the affidavits.

It appears from the copies of documents relied on by the State that after verification from the land records and from local people, the concerned Inspector, Food and Supplies, found that the village in question was actually named Kankra-Sibrampur and not Kankra. This was communicated to the Sub-Divisional Controller. Accordingly, the name of the village was changed in the third notification dated 10.02.2022.

It is quite inconceivable that the entire exercise would be done to prevent the present petitioner from obtaining the dealership.

In any event, till now no one has been appointed as the dealer and the petitioner's application is still under consideration.

I do not find any reason to interfere with the process of selection. The respondent authorities shall be at liberty to select the right candidate amongst all the applicants including the present petitioner in accordance with law.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)

