

Form J(2)

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

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

WPA 24081 of 2018

**Manika Patar
Vs.
The State of West Bengal & Ors.**

Mr. Arunava Banerjee
Sk. Qareeb
Ms. Ritika Mondal
..for the petitioner

Item No.49

Heard & Judgment on: 24.07.2023

Bibek Chaudhuri, J.

The respondents, Indian Oil Corporation or its officers as well as the State Respondents have not taken any step in the instant writ petition in spite of notice being served upon the respondents. Previously, Debabrata Saha Roy and Mr. Pingal Bhattacharya, learned advocates appeared for the State. However, they did not take any step in the instant writ petition. It is submitted in the Bar that Mr. Debabrata Saha Roy is no longer in the panel of the State Government. Therefore, this Court disposes of the instant writ petition

on the basis of the submission made by the learned advocate for the petitioner.

The petitioner filed an application for LPG distributorship at Baidyanathpur in the district of Birbhum under OBC (W) category advertised on 31st August, 2017 under GRAMIN VITRAK SCHEME. The said application was filed online on 18th October, 2017. On 1st September, 2018 the Deputy General Manager (LPG-Sales), Durgapur Area Office rejected the candidature of the petitioner on the ground that the petitioner was not able to produce OBC certificate to the FVC Officer and on 2nd August, 2018 she expressed her inability in submitting such certificate. The petitioner filed an application on 2nd August, 2018 i.e., prior to the above mentioned communication by the Deputy General Manager (LPG-Sales), Durgapur Area Office on 1st September, 2018 stating, inter alia, that before her marriage she used to reside at her paternal home at Jharkhand and her OBC certificate was issued in Hindi language from jurisdictional Collector at Jharkhand and she was able to produce the said certificate. However, it was not feasible for her to make a new caste certificate issued by the Collector at Bhirkhum as desired by the Deputy General Manager, (LPG-Sales), Durgapur Area Office. This is the precise reason for which the prayer for distributorship of LPG cylinder submitted by the petitioner was rejected.

The aforesaid order dated 1st September, 2018 is impugned in the instant writ petition.

The learned advocate for the petitioner has submitted that OBC certificate issued by the appropriate authority is collected by the petitioner. Before her marriage the petitioner's maiden surname was Maji. She used to reside at village Laykapur within P.S. Bagdahari district Jamtara in the State of Jharkhand. It was certified that she belongs to Other Backward Class Community.

At the time of hearing of the instant writ petition the learned advocate for the petitioner submits the husband's caste certificate issued by the Sub-Divisional Officer, Suri, Birbhum on 24th February, 1997. On perusal of which it appears that he also belongs to Backward Class Community. Thus, even after marriage the petitioner remains as a member of Backward Class Community. Photo copies of the fresh caste certificate by the petitioner and her husband be taken on record.

In view of such circumstances, there is possibly no predicament on the part of the respondent authority to grant distributorship in favour of the petitioner. However, in order to cross-check the petitioner's as well as her husband's caste certificate, the respondent Nos. 4 and 5 are at liberty to cause inquiry through the Office of the respondent No.2, if necessary. If such inquiry is sought for by the

IOCL authority, the respondent No.2 shall submit his report within 60 days from the date of making of such application. The respondents are, however, directed to conclude the entire process of granting distributorship within eight weeks from the date of communication of this order.

The instant writ petition is, thus, **disposed of**.

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

(Bibek Chaudhuri, J.)