

Sl.No. 41
27.02.2023
SB-II
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 367 of 2023

**Swapan Kumar Roy
-versus
The State of West Bengal & Ors.**

**Mr. Shubhankar Dutta,
...For the Petitioner.**

**Mr. Subir Kumar Saha,
Mr. Momenur Rahaman, ... for the State.**

The prayer of the petitioner for issuance of fair price license was rejected allegedly on account of non fulfillment of the eligibility criteria as mentioned against serial no. 12 (iv) of the Kolkata Gazette Extraordinary Notification dated January 7, 2022.

Being aggrieved by the rejection, the petitioner preferred an appeal before the District Controller in accordance with Clause 25 of the West Bengal Public Distribution System (Maintenance and Control) Order 2013.

The petitioner alleges that the said appeal is pending consideration till date.

The learned advocate representing the respondent authorities submits that the appeal is not maintainable. The petitioner as well as the other applicants all failed to meet the criteria as mentioned in the Gazette Notification. There is no scope for reconsideration of the case of the petitioner. It will be open for the petitioner to

participate in the next selection process.

It appears from the documents annexed to the writ petition that the petitioner, immediately being made aware of the non issuance of license in his favour, filed an appeal before the District Controller in November 2022. The same is pending consideration till date.

The District Controller may take a call as to whether the appeal is maintainable or not.

In view of the above, the instant writ petition is disposed of by directing the District Controller, Food and Supplies, being the respondent no. 2 herein to take a decision with respect to the appeal filed by the petitioner in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties and to dispose of the said appeal at the earliest, but positively within sixty days from the date of communication of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)

