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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 2321 of 2024

**Md. Mosidul Hoque
-Vs-
The State of West Bengal & Ors.**

Mr. Md. Harun-All-Rashid
Mr. Azizul Islam
... for the petitioner

Affidavit of service filed on behalf of the petitioner is taken on record.

This writ petition has been filed by the petitioner under Article 226 of the Constitution of India for cancellation of notification being Memo No.851/SCFS/Ber/2023 dated 1st September, 2023 for engagement fair price shop dealer at Kazisaha, Begunbari, Murgighar Bus stop near Ahele Hadith Jame Masjid.

The petitioner made an application for engagement as FPS dealer in terms of aforesaid vacancy notification. The enquiry was also been conducted. The petitioner has sought for consideration of mass petition dated 27.01.2024 for converting the aforesaid vacancy notification for Kazisaha, Begunbari, Murgighar Bus stop near Ahele Hadith Jame Masjid to one for Mouza Maniknagar.

Mr. Md. Harun-All-Rashid, learned advocate for the petitioner submits that there is already existing dealer at advertised location and as such mass petition was

submitted for converting such notification to one for Mouza Maniknagar in place of Kazisaha, Begunbari, Murgighar Bus stop near Ahele Hadith Jame Masjid.

None appears on behalf of the State-respondent.

Mr. Sambuddha Dutta, learned Advocate, who usually appears on behalf of the State, is requested to appear in this matter. Let appointment of Mr. Dutta, learned Advocate be regularised by the concerned authority.

Mr. Dutta, learned Advocate for the State-respondent submitted that a direction may be passed upon the respondent no.4, the Sub-Divisional Controller, Food & Supplies, Berhampore Sadar, Murshidabad for completing the selection process within the stipulated period.

At the outset, the prayer for conversion of vacancy notification to one for Mouza Maniknagar in place of Mouza Kazisaha, Begunbari, Murgighar Bus stop near Ahele Hadith Jame Masjid does not merit consideration. However, since the petitioner has made an application for engagement of FPS dealership, hence respondent no.4, the Sub-Divisional Controller, Food & Supplies, Berhampore Sadar, Murshidabad is directed to conclude the selection process for engagement of FPS dealership as per notification being Memo No.851/SCFS/ Ber/2023 dated 1st September, 2023 within a period of two months from the date of communication of this order, in accordance with law.

Petitioner is directed to communicate this order to the respondent no.4, the Sub-Divisional Controller, Food & Supplies, Berhampore Sadar, Murshidabad.

Since no affidavit-in-opposition has been directed to be filed, the allegations made in the writ petition are deemed to be not admitted.

It is made clear that this Court has not gone into the merits of the writ petition.

With the above observations, this writ petition being **W.P.A. 2321 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)