

06.03.2024

Ct. no.654

Sl. No.5

sn

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

WPA 5218 of 2024

**Beauti Ghosh
Vs.
State of West Bengal & Ors.**

Mr. Arkadipta Sengupta
Mr. Tirthankar Dey
Ms. Aayushi Mukherjee
..for the petitioner
Mr. Suman Sengupta
Mr. Amrita Lal Chatterjee
Mr. Sanatan Panja
..for the State

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

By this writ petition, the petitioner has prayed for cancellation/setting aside of the memo no.609-FS/Sectt/Sup/4M-77/18 dated 6th February, 2024 for approval of declaring vacancy of Malda English Bazar Municipality of Special Secretary, Food and Supplies Department, Government of West Bengal, respondent no.6 for MR Distributorship.

The brief fact of the case is that the petitioner made an application for engagement of MR Distributor in terms of the notification under memo no.2056-FMR/13L-36/14(Pt-VI) dated 1st June, 2023. After such application, an enquiry was held. However, the petitioner was not informed of the fate of his application. Since the petitioner was not informed regarding the result of his application

he has preferred the present writ petition for cancellation of letter of approval of declaring vacancy dated 6th February, 2024 of respondent no.6.

Mr. Tirthankar Dey, learned advocate for the petitioner submits that after holding the enquiry, no information was given to the petitioner regarding the result of his application and the State authorities issued letter for approval of declaring vacancy in respect of the advertised location is Malda English Bazar Municipality. The petitioner has fulfilled all the eligibility criteria save and except maintaining Rs.25 lakhs as working capital in the bank account. He prays that the petitioner be given an opportunity to make representation before the concerned authorities for reconsideration of her application.

Mr. Amrita Lal Chatterjee, learned advocate for the State respondents also submits that the application of the petitioner has been rejected for not maintaining the requisite amount of Rs.25 lakhs as working capital in the bank account, which is mandatory condition as per the said notification.

As per Clause 8(d) Part 2 of the notification dated 1st June, 2023, the applicants for distributorship must have to maintain working capital of Rs. 25 lakhs on the day of application in the form of saving account, current account and/or fixed/term/flexi deposit in the Bank and/or Post Office and such working capital shall

continuously be maintained till the grant of licence. Admittedly, the petitioner did not maintain working capital of Rs.25 lakhs as per notification which is also appearing from the account statement at page 41 of the writ petition. As such there is non-fulfilment of the terms and conditions of the notification. Such being the position, this Court does not find any merits in the writ petition.

In view of the above, this writ petition being **WPA 5218 of 2024** stands dismissed along with all connected applications, if any.

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

Interim order, if any, stands vacated.

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

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)