

Item-1.	06-03-2024	MAT 466 of 2021 CAN 1 of 2023
sg	Ct. 8	Monoranjana Das Versus The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya, Adv.
Mr. Mukteswar Maity, Adv.
Ms. Nupur Chaudhuri, Adv.
...for the appellant
Mr. Rajarshi Basu, Adv.
Mr. K.M. Hossain, Adv.
...for the State respondents

1. In view of the judgment of the Hon'ble Supreme Court in the case of *The State of West Bengal & Ors. Vs. Gitashree Dutta (Dey)* reported in *2022 SCC Online SC 691*, we are of the view that the issue raised in this appeal cannot be gone into as the decision of the Government to recall vacancy in implementation of the National Food Security Act, 2013 was upheld by the Hon'ble Supreme Court by reversing the order dated 6th March, 2019 passed by the Hon'ble Division Bench.
2. The learned Counsel for the appellant submits that on 9th August, 2023, the Government has invited an application for grant of licence against the vacancy and the petitioner may be allowed to apply in respect of such vacancy.
3. The learned Counsel for the appellant has submitted that in view of the pendency of the appeal, no application was filed.
4. This was not the issue before the learned Single Judge. The learned Counsel for the State has submitted that if the vacancy still exists the application of the petitioner if filed

could be considered. In view thereof we dispose of the appeal with the observation that if the petitioner is eligible to apply and the vacancy still exists in terms of Memo dated 9th August, 2023 as disclosed at page 32 of the application, the application of the petitioner, if filed in the meantime, may be considered.

5. We make it clear that we have not gone into the eligibility of the petitioner to apply in terms of the Notification dated 9th August, 2023.
6. With the aforesaid observation, the appeal and the application are disposed of.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)