

15.04.2024

Ct. no.654

Sl. Nos.9

SS

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

WPA 9828 of 2023

**Arif Hossain
Vs.
State of West Bengal & Ors.**

Mr. Amritam Mandal
Mrs. Jeenia Rudra
Mrs. Ananya Chakraborty
..for the petitioner

Mr. Suman Sengupta
Mr. Amritlal Chatterjee
Mr. Sanatan Panja
..for the State

By the present writ petition the petitioner has prayed for issuance of Food and Supply Licence in favour of the petitioner in respect of the application No.202200220102010.

The petitioner's case is that the grandfather of the petitioner Late Soleman Mia was appointed as ration dealer under M.R. Licence No.18/GANG/56/GA/72 and kerosene oil distributor under Kerosene Oil Licence No.89261/GANG/35 at Faridpur Domotha, Police Station-Gangarampur, District-Dakshin Dinajpur. The aforesaid licence in the name of the grandfather of the petitioner was put under suspension in the year 1974. Late Soleman Mia filed a writ petition challenging such suspension. The said writ petition was dismissed for default. For engagement of FPS dealership vacancy notification in respect of the aforesaid area was published

under Memo No. 608/MR/SCFS/Gmp dated 26th August, 2022. The petitioner made application in respect of aforesaid vacancy notification dated 26th August, 2022. The petitioner approached the authority for consideration of his application and for issuance of FPS dealership licence in his favour. However, no step has been taken in such regard. Hence, this writ petition.

Mr. Amritam Mandal, learned Advocate for the petitioner submits that the licence in the name of the grandfather of the petitioner at Faridpur Domotha, Gangarampur was suspended. Challenging the same a writ petition was filed by the grandfather of the petitioner, which was dismissed for default. In respect of the self-same area vacancy notification was published. The petitioner filed application in respect of vacancy notification dated 26th August, 2022. However, till date no licence has been issued in his favour. He seeks for appropriate order for issuance of FPS dealership licence in favour of the petitioner.

Mr. Suman Sengupta, learned Advocate for the State-respondent submits that the process of engagement of vacancy of FPS dealer in respect of vacancy notification no.608/MR/SCFS/Gmp dated 26th August, 2022 is in progress. He seeks that an appropriate direction be issued upon the respondent no.3, the Sub-Divisional Controller, Food and Supply, Balurghat, Dakshin Dinajpur for concluding the process of engagement of FPS dealership in respect of vacancy notification dated 26th

August, 2022 within the stipulated period after the end of General Election, 2024.

It manifest from the contention of the writ petitioner that previously the grandfather of the petitioner filed a writ petition against suspension of his licence pertaining to area Faridpur Domotha, Gangarampur. The writ petition was dismissed for default. There is no averments that any application for restoration of the said writ petition was filed. Be that as it may, the petitioner is an applicant in respect of vacancy notification dated 26th August, 2022. It is informed by the learned advocate for the State-respondent that the process of engagement of FPS dealership in respect of the aforesaid vacancy notification is under way.

In the aforesaid backdrop, the respondent no.3 the Sub-Divisional Controller, Food and Supply, Balurghat, Dakshin Dinajpur is directed to conclude the process of engagement of FPS dealership in respect of vacancy notification No.608/MR/SCFS/Gmp dated 26th August, 2022 within a period of two months from the date of conclusion of ensuing General Election, 2024.

With the aforesaid direction, the writ petition being **W.P.A. 9828 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

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.)