

28.02.2024

Ct. no.654

Sl. No.12

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

W.P.A. 11910 of 2023

Md. Sohail Alam
Vs.
The State of West Bengal & ors.

Mr. Shahan Shah
Mr. Sirajul Haque Mondal
Sk. Abu Musa
... for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka Kr. Nag
Mr. Ritesh Kr. Ganguly
... for the State

Report in the form of affidavit filed on behalf of the State-respondent is taken on record. Copy served.

The petitioner by way of present writ petition under Article 226 of the Constitution of India has prayed for grant of FPS dealership in favour of the petitioner in respect of village Sathatia under Deganga Block in the District of 24-Parganas (North).

This is second round litigation. Previously, the petitioner approached this Court by a writ petition being W.P.A. 9426 of 2022. In the said writ petition, by order dated 9th September, 2022 the writ petitioner was granted liberty to make appropriate application before the proper authority regarding obtaining of MR dealership. On 21st September, 2022 the authority on being communicated with the order of this Court through speed post, intimated

the petitioner that the FPS dealership vacancy at village Sathatia, Block Deganga was notified on 6th April, 2022 whose last date of application was 21st June, 2022. It has also advised the petitioner to regularly follow the *website* of the department to get upto date and reliable information and that presently no live notification of engagement of FPS dealer is available at village Sathatia, Block Deganga. The petitioner thereafter on 22nd September, 2022 and 13th October, 2022 made representations for appointment as FPS dealer (MR). Since those representations were not considered the petitioner has filed the present writ petition.

Mr. Shahan Shah, learned Advocate for the petitioner submits that a direction be passed upon the respondent no.4, the Sub-Divisional Controller, Food & Supply, Barasat for considering the representation made by the petitioner for engagement as FPS dealer at village Sathatia, Block Deganga.

Mr. Arka Kumar Nag, learned Advocate for the State-respondents submits that the vacancy at village Sathatia, Block Deganga has already been filled up vide notification dated 6th April, 2022. Accordingly, the petitioner was advised to regularly follow the *website* of the department to have reliable information of any subsequent notification of vacancy. As on date there is no live vacancy for FPS dealer available for village Sathatia, Block Deganga, the prayer of the petitioner

made in the writ petition for engagement as FPS dealer is short of merit and should be dismissed.

From the materials on record, it appears that pursuant to the order passed in writ petition being WPA 9426 of 2022, the authority concerned has intimated the petitioner that no live notification for engagement of a FPS dealer against any FPS vacancy at village Sathatia, Block Deganga is available. The concerned authority has advised the petitioner to follow the *website* of the department to have the information of publication of any vacancy. In the absence of availability of any live vacancy presently at the village Sathatia, Block-Deganga the prayer of the petitioner for his engagement as FPS dealer in the said village is unwarranted at this stage.

In view of the above, the writ petition being no. **11910 of 2023** stands dismissed.

All connected applications, if any, stand dismissed.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All parties shall act on the server copy of this 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.)