

24.07.2024
SL No.14
Court No.24
Ali

WPA 14555 of 2024

Shafi Anwar & Ors.

Versus

The State of West Bengal & Ors.

Mr. Gautam Thakur,
Ms. A. Ghosh,
Mr. Nirupam Dhali

...for the petitioners.

Mr. Partha Sarathi Bhattacharyya,
Mr. N. Gupta

..... for the respondent No. 9.

The Sub-Divisional Controller, Food and Supplies, Islampur Sub-Division issued vacancy notice thereby invited application for filling up vacancy of Fair Price Shop (FPS) dealership at Village-Bhotor, near Mazit, Panjipara, under Goalpokhar-1 Block, Uttar Dinajpur.

Initially, amongst the applicants 8 (Eight) persons were directed to appear before the concerned authority with the relevant papers. They appeared on 19th February, 2024; from the 8 (Eight) persons the present petitioners and respondent No. 9 were short listed and they were directed to appear for personal hearing with all relevant documents in original in connection with the application on 2nd of May, 2024 at 11.00 A.M. at the office of the District Controller, F & S, Uttar Dinajpur.

It is the submission of the petitioners that only the respondent No. 9 was allowed to interview

on the said date. The present petitioners were forcefully directed to sign over some papers and they were thrown away from the office.

Learned counsel appearing on behalf of the petitioners submits that their right for personal hearing has been denied, for which the instant writ petition was filed.

The notice was served upon the State authority and State authority was represented through Mr. Tanoy Chakraborty and Mr. Saptak Sanyal. Some documents were placed in respect of the disputed fact stated in the writ petition. On perusing the documents the State authority is directed to submit specific report.

On two occasions the matter was adjourned as the State authority could not file any report.

None appears on behalf of the State authority.

Considering the situations, it is necessary to pass appropriate order to the State authority so that, the right of personal hearing of the present petitioner and the right of natural justice may not be violated.

Considering the above observation, the instant writ petition is disposed of with a direction upon the State authority to award necessary opportunity of personal hearing to the present

petitioners in respect of the impugned vacancy at the cited location within three weeks from this date.

Learned counsel for the petitioners shall intimate the order to the concerned authority within a week; on receipt, the State authority shall serve notice upon the petitioners fixing date for personal hearing within two weeks thereafter.

The decision of the concerned authority shall be intimated to the present petitioners within two weeks thereafter. Till the completion of exercise, as directed above, the further proceeding of engagement of the Fair price Shop Dealer of the cited vacancy be stayed.

Later-

Learned counsel Mr. Debraj Sahu appears before this Court after passing of this order and submit that the learned counsel Mr. Saptak Sanyal has been appointed in this matter but he is seek for quite few days, reasons thereof, he could not appear before this Court.

Learned counsel has handed over a sealed copy of report. Let the report be kept with the record.

(Subhendu Samanta, J.)