

05.8. 2024
item No.12
n.b.
ct. no.24

WPA 17148 of 2024

Sabyasachi Bhattacharyya.

Vs.

State of West Bengal & Ors.

Mr. Rajendra Banerjee,
..... for the petitioner.
Mr. Swapan Kumar Datta,
Mr. Rajat Datta
.... For the State

The Sub-Divisional Controller, Food and Supply, Kandi issued a vacancy notification dated October 14, 2022 in respect of cited location for new FPS dealership at the location of Mouza Panchthupi, Burwan, District. Mushidabad.

The present petitioner applied for licence on February 3, 2024. In pursuance to this application an enquiry was conducted on the godown and shop room of the present petitioner. Thereafter, the present petitioner was called on at the office of the Sub-Divisional Controller for document verification. Thereafter, the concerned authority has not taken any steps for issuing licence in respect of vacancy notification. The present petitioner submitted a representation on March 6, 2024 before the authority concerned but of no result. Hence this writ petition.

Learned advocate for the petitioner submits that the present petitioner is suitable candidate for the said new

vacancy and has invested a substantial amount for getting the said licence. The act and action of the concerned authority by keeping themselves mum is unreasonable and arbitrary.

Mr. Dutta, learned advocate appearing on behalf of the State submits after initiation of the procedure in respect of said vacancy notification dated 14.10.2022, it appears to the concerned authority that the vacancy notification having some inherent defects. The name of the Mouza was erroneously mention in the said notification whereas, there exists a FPS. as Panchthupi. For the reasons therein, the authority is of opinion to issue a fresh vacancy notification by cancelling the impugned vacancy notification dated 14.10.2022. However, Mr. Dutta, learned advocate ascertained that the procedure of new vacancy notification by cancelling the earlier one is yet to be published. Proposal for correction of new vacancy was forwarded on August 29, 2023 and it was approved by higher authority on September 22, 2023.

Mr. Dutta further submits that the concerned authority is acting upon the said proposal.

Learned advocate appearing on behalf of the petitioner submits that the concerned authority did not acted upon the said vacancy notification. The proposed godown come shop room of the present petitioner is within the proposed site, which the said authority intend to issue fresh vacancy notification. He further submits that

necessary direction may be passed that the application of the present petitioner may be remain inforce.

Having heard learned counsels for both the parties and considered specific submission of the Mr. Dutta, which was also ascertained by the present petitioner that the vacancy notification has mentioned the wrong Mouza number, the writ petitions is disposed of directing the concerned authority to issue fresh vacancy notification of correct Mouza as early as possible more preferably within eight weeks from this date.

However, I make it clear that earlier applications of petitioner in support of impugned notifications and procedure thereof recorded by the concerned authority cannot ipso facto creat weightage in fovour of the petitioner.

The petitioner is at liberty to apply afresh on the proposed notification.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)