

07.08.2024
SL No.14
Court No.24
Ali

WPA 17842 of 2024

**Selim Hossain Molla
Versus
State of West Bengal & Ors.**

Mr. Dibyayan Banerjee
.....for the petitioner.

Ms. Sonal Sinha,
Ms. Asmita Chakraborty
.....for the State.

FPS, Basirhat, under department of Food & Supplies Government of West Bengal issued a vacancy notification for Fair Price Shop at the location of Khariberia-58 on 16.08.2023. The present petitioner applied for the vacancy online but on 27.06.2024 one memo was received from the Authority concerned regarding disapproval of the application of the present petition. The present petitioner could not understand the reason that is why he submitted a representation to the Authority concerned on 4th July, 2024. The Authority acted nothing hence this writ petition.

Learned counsel appearing on behalf of the petitioner submits that the application was made for the said dealership licence in the name of the petitioner. However, at the time of filing application an OTP was sent to the phone number registered in the name of her wife Dilruba Khanam. All the documents in respect of the application and the

proposed godown, shop room are standing in the name of the petitioner but as an error appearing due to the transfer of OTP from the registered mobile of the wife of the petitioner, defect of name appears in the application. Thus, the candidature of the present petitioner was cancelled.

Learned counsel for the petitioner submits that the error appearing in the application is due to the defect of machine and ignorance of submission of online application by illiterate persons, if for such reasons the application for vacancy is cancelled, the present petitioner shall suffer immense. He further submits that the present petitioner is otherwise a suitable candidate for having the licence.

Heard the learned advocate it appears that after submission of the application a receipt was generated from the system wherein it appears that the name of applicant is Shir Dilruba Khanam. However, the another system generated document, containing, the other particulars is in the name of the present petitioner Selim Hossain Molla as proprietor. The preview of the application ID was also filled up by the present petitioner wherein the name of the applicant is also appearing as Dilruba Khanam but the name of the proprietor was mentioned as Selim Hossain Molla.

Having considered the materials it appears to me that the act of the Authority is quite justified.

As there are some error apparent in the application itself they have correctly disallowed the candidature, I also quite sure that the present petitioner must have committed error at the time of filing of the application. The error committed by the petitioner is purely unintentional and due to the ignorance of procedure of online submission of application. However, it is submitted that no inspection has been initiated in respect of the said FPS licence. So, I think it necessary to give an opportunity to the petitioner so that the Authority concerned may decide the issue afresh.

At this juncture, the instant writ petitioner is disposed of with a direction to the Sub-Divisional Controller (Food & Supplies), Basirhat, North 24-Pargans to take a reasoned decision on the basis of the representation of the present petitioner dated 04.07.2024 (Annexure-P4 of the writ petition).

The Authority concerned is directed to pass a reasoned order after hearing the present petitioner and after considering the application of the present petitioner to be an error unintentional. If any opportunity/scope is possible to be given to the petitioner that may be awarded, if it is otherwise permissible accordingly to the rule/law.

Under the above observation, the application being **WPA 17842 of 2024** is disposed of.

All connected applications, if any, stand disposed of.

Interim orders, if any, stand vacated.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)