

05.8. 2024
item No.31
n.b.
ct. no.24

WPA 19085 of 2024

**Durgadas Mandi
Vs.
The State of West Bengal & Ors.**

Mr. Sasthi Charan Dhara
..... for the Petitioner
Ms. Sonal Sinha
Ms. Ashmita Chakraborty
Mr. Amrit Lal Chatterjee
.....for the State

The father of the petitioner was M.R. Dealer with Kerosene Oil License being License No.BAN/BNKR-CHTN-133900400055 and FPS No.133900400055 of Village – Katharia, Post Office- Jamtora within Police Station – Chhatna, District – Bankura.

After demise of his father, the petitioner applied License of Fair Price Shop Dealership on compassionate ground along with specific application to the Sub-Divisional Controller (F &S), Bankura. In pursuance of such application, the concerned authority issued a notice for his personal hearing. Necessary report has been obtained from the concerned authority. The present petitioner also produced no objection certificate as required by the concerned authority from the other legal heirs of the deceased M.R. Dealer.

It is the case of the petitioner that instead of performing all requirements as per the direction of the

concerned authority, the application of the present petitioner was not considered and one new vacancy declared in the same site on 17.05.2024.

Hence, this writ petition.

Learned advocate appearing on behalf of the petitioner submits that the act and action of the concerned authority is arbitrary. So, the impugned notification dated 17th May, 2024 needs be stated till disposal of the writ petition.

Learned advocate appearing on behalf of the State authority submits that if the present petitioner has complied with all formalities, the authority concerned must have acted according to law. He further submits that a specific direction may be passed to the concerned authority, so that the matter of dispute may be resolved.

Having heard the learned counsels for the parties also considering the prayer of the present petitioner and the annexures thereof, it appears to me that the respondent authority is required (respondent no.5) to take appropriate decision in terms of the representation of the present petitioner.

Thus, the instant writ petition is disposed of with a direction upon the respondent authorities to pass a reasoned order in response to the Annexures – 4 of the instant writ petition within two weeks from this date after giving a reasonable opportunity of hearing to the petitioner. The concerned authority shall intimate the

reasoned order to the parties within one week from the date of passing of the reasoned order.

Till the exercise be completed, the respondent authority shall not proceed further in respect of impugned Notification dated 17.05.2024.

I make it clear that the respondent authority shall consider the application of the present petitioner for compassionate appointment at the place of his deceased father, according to the direction by this Court in case of ***Gurupada Das Vs. State of West Bengal.***

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

(Subhendu Samanta, J.)