

22 29.08.2024
AN Ct. No. 01

WPA(P) 311 of 2024

Aktarul Haque Daptari
vs.
State of West Bengal & Ors.

Md. Shamimuddin
Sk. Samiul Haque
Ms. Oindrila Ghosh

... for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Debopriyo Karan

... for the State

1. We have heard learned counsel for the parties so represented.

2. The petitioner would contend that a MR Shop is located at a distance of 2 kms. away from the village causing inconvenience to the public. Learned counsel representing the State submits that the system of distribution of ration articles since changed and the Government has taken a policy decision which has been implemented and the ration articles are delivered to the doorsteps. Therefore, the distance is no longer an impediment.

3. The second grievance of the writ petitioner is that a MR Distributorship is to be awarded to a lady whose husband is an anti social element. The submission of the learned counsel representing the State is that this cannot be a ground to deny the MR Distributorship as under the relevant regulation there is no such prohibition if the applicant is otherwise eligible. Furthermore, it is submitted that till date no dealership has been granted in favour of

that lady. It may be true that under the relevant regulations, this may not be one of the criteria. One of us (T. S. Sivagnanam, C.J.) have come across under a statute which governs the establishment and administration of private schools in another State, and under the said regulations, if a teacher commits theft or any other heinous crime, it is not one of the conditions on which disciplinary action can be taken against the teacher. This aspect was considered and the statute was read with in a manner that if a person acts against public interest and he has done a heinous crime, obviously, it goes without saying that action has to be taken. Probably such principle can be read into the regulations governing the MR Distributorship. In any event, the award of the MR Distributorship should be transparent and also instill confidence in the mind of the public.

4. These are all prima facie observations which we have made since it is submitted by the learned counsel representing the State that the MR Distributorship has not been awarded to the said lady.

5. In the result, the writ petition stands **disposed of.**

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)

