

04.09.2024
SL No.33
Court No.24
Ali

WPA 21134 of 2024

**Tuhimina Khatun
Versus
State of West Bengal & Ors.**

Mr. S.P. Lahiri,
Md. Nauroz Rahber,
Mr. Mohammad Jawwad
....for the petitioner.

Mr. Rajarshi Basu,
Ms. S.T. Mina
....for the State respondent.

Mr. R. Dhara,
Ms. Mousumi Choudhury
.....for the respondent No.9.

The present petitioner applied for FPS Dealership in respect of a vacancy notification of the authority concerned dated 23rd September, 2022. In pursuance of the said vacancy notification he submitted an application online on 31st December, 2022 along with all annexures and required documents. It is the submissions of the present petitioner that the authority concerned in connivance with the private respondent has issued a licence in favour of private respondent No. 9. The petitioner has submitted a representation with the District Controller Raigang, Uttar Dinajpur regarding the issue, but the District Controller has not decided as yet.

Hence this writ petition.

Learned counsel appearing on behalf of State authority has submitted that the respondent

No. 6 Sub-Divisional Controller Food & Supply Islampur is the authority concerned to decide the issue. He further submits that all materials pertaining to the complaint made by the present petitioner can be decided by the state respondent No. 6.

Petitioner insisted direction upon respondent No.5.

Considering the situations, the instant writ petition is disposed of directing the respondent No. 5 to decide the representation made before him by the petitioner on 23rd February, 2024 (Annexure P-10) by giving proper opportunity to the petitioner of being heard as well as the private respondent.

The authority concerned is further directed to dispose of the representation within six weeks from the date of communication of this order.

Respondent No. 5 shall dispose of the representation by pending a reasoned decision; and shall intimate the decision to the petitioner within two weeks thereafter.

As the affidavits were not called for, the allegation made in the writ petition shall be deemed to have been non admitted. The merit of the instant writ petition be kept open to decide by the authority concerned.

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

(Subhendu Samanta, J.)