

07.10.2024
SL No.55
Court No.24
Ali

WPA 23740 of 2024

**Sukumar Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Ram Anand Agarwala,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray,
Ms. N. Khatoon

.....for the petitioner.

Mr. Amrita Lal Chatterjee

.....for the State.

Mr. Agarwala, learned counsel for the petitioner submits that the copy of the writ petition was served upon the authority.

None appears on behalf of the authority.

Mr. Amrita Lal Chatterjee who usually appears before this Court on behalf of the respondent State authority is directed to appear in this matter on behalf of the State authority. The appointment of Mr. Chatterjee be regularized by the concerned authority.

Smt. Renuka Bala Ghosh is running a fair price shop dealership at plot No. 427, J.L. No. 96, Village-Gopalpur, P.O. Natna, P.S. Tehatta, Nadia. Due to old age and ill health such FPS dealer i.e. the mother of the petitioner intends to transfer the said licence in favour of the petitioner due to incapacitation.

The necessary application was made with the authority but the authority did not acted accordingly. The petitioner approach this Court in Writ Petition No. 17644 of 2023 vide order dated 11.03.2024 a coordinate Bench of this Court has held that the Form-‘C’ i.e. the application of the petitioner appears some discrepancies regarding the date of birth and the educational qualification of the petitioner.

Under the above observations, the writ petition was disposed of by the coordinate Bench giving a liberty to the petitioner to apply through a fresh application. On such direction the petitioner has filed a fresh application and the mother of the petitioner also submitted a written declaration that she intends to transfer the licence in favour of the petitioner due to her ill health.

A serious allegation was made by filing the instant writ petition. The petitioner submits that by virtue of the said fresh application the authority concerned, especially, respondent No. 5 call the mother of the petitioner i.e. the erstwhile dealer and directed her to sign on a paper. It come to the notice to the petitioner that in that paper the SCFS concerned (respondent No. 5) told the mother of the petitioner to sign on a paper wherein it was written that she is not willing to transfer the FPS shop in

favour of the petitioner. It is the case of the petitioner that the mother of the petitioner was always willing to transfer the FPS licence in favour of the petitioner.

During the enquiry, the SCFS concerned has also admitted in the earlier litigation that the mother of the petitioner i.e. the Renuka Bala Ghosh intended to transfer the licence in favour of the petitioner.

The allegation is itself serious in nature against a public servant. However, it appears that the present petitioner had made a detail representation to the Principle Secretary, Food and Supply Department, Government of West Bengal on 9th of September, 2024 stating the same fact.

Considering the gravity of the allegation against the public servant it appears to me that the same need be considered by the Principle Secretary.

Under the above observation, the respondent No. 2 is directed to dispose of the representation of the petitioner dated 9th of September, 2024 after hearing the petitioner within eight weeks from date. The decision of the respondent No. 2 shall be intimated to the petitioner within two weeks thereafter.

Under the above observation, the writ petition is disposed of.

As the no affidavits have been exchanged in this matter, the allegation made in the petition shall be deemed to be not admitted.

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

(Subhendu Samanta, J.)