

28.11. 2024
item No.2
n.b.
ct. no. 24

WPA 26768 of 2024

Chintamani Sarkar
Vs.
State of West Bengal & Ors.

Mr. Utpal Das,
..... for the petitioner.
Mr. Sirsanya Bandopadhyay,
Ms. Tapati Samanta,
.... For the State.

One Brojo Mohan Sarkar was MR dealer, who expired on April 2020. The present petitioner is the widowed daughter-in-law of the said MR dealer. It is the case of the present petitioner that her husband was the only son of the deceased MR dealer and he had another five daughters. All the five daughters were married and they are living with their family separately. After demise of her husband, he had assisting here father-in-law(deceased Brojo Mohan Sarkar) in the business of MR dealership. After demised of the dealer, petitioner has applied before the authority concerned for giving licence under compassionate ground on May 29, 2020. It is the case of the petitioner that application of the petitioner was processed and it was forwarded to the Deputy Director(Licence) through the District Controller, Uttar Dinajpur. Thereafter, no decision was taken by the authority concerned but surprisingly, has issued a fresh vacancy notification in respect of the said location

on May 15, 2024. It is the case of the petitioner that the authority concerned may be directed to consider the application of the petitioner by quashing of the new vacancy notification.

Mr. Sirsanya Bandopadhyay, learned advocate appearing on behalf of the State authority has submitted that the present petitioner is the widowed daughter-in-law of the deceased MR dealer. The widowed daughter-in-law i.e. the widow of predecessor son was incorporated under the definition of “family” by the amendment of the WBPDS(M &C) Order, 2013, on December 14, 2020. It is further submission of Mr. Bandopadhyay that on the date of death of the MR dealer, the present petitioner had no locus standi to file the application for appointment of compassionate ground.

It is further submission of the Mr. Bandopadhyay that one of the daughter of the deceased MR dealer namely, Jaba Sarker has also applied for the licence under compassionate appointment. Mr. Bandopadhyay also admitted both the applications were not disposed of by the authority concerned.

Having heard learned counsel for the parties and also considering the materials on record, it appears to me that though the present petitioner may not have the locus standi to file the application at the date of death of MR dealer but her application has to be disposed of

according to law. Authority concerned cannot sit tight over the matter for indefinite period.

Considering the same, I think it necessary to pass an appropriate direction upon the authority concerned. Accordingly, the instant writ petition is disposed of.

The authority concerned is directed to disposed of the application of the present petitioner and application of Jaba Sarkar one of the daughter of deceased MR dealer by passing a reasoned order within the period of four weeks from date after giving them reasonable opportunity of being heard and intimate the reason decision to them within two weeks.

Till then, the authority concerned may proceed with the vacancy notification but so far as the award of licence is concerned, that has to be stalled till the completion of above mentioned exercise.

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

(Subhendu Samanta, J.)