

30.01.2024

Ct. no.654

Sl. No.18

sn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 27407 of 2023

**Sohel Ahmed
Vs.
State of West Bengal & Ors.**

Mr. Timir Baran Saha
..for the petitioner

Affidavit of service filed by the petitioner is taken on record.

None appears on behalf of the State-respondents.

Mr. Anirban Sarkar, learned advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. Let appointment of Mr. Sarkar, learned advocate, be regularised by the concerned authority.

This is an application under Article 226 of the Constitution of India filed by the petitioner praying for disposal of the application of the petitioner for engagement by the Sub-Divisional Controller(Food & Supplies), Basirhat, District North 24 Parganas, being the respondent no.5 for "*Fair Price Shop Dealer*" (hereinafter referred to as 'FPS Dealer') within a stipulated period.

The brief fact of the case is that the petitioner made an application for engagement of FPS Dealer in respect of vacancy notification being no. 1077/SCF&S/BHT/2020 dated 30th September, 2020, issued on 17th February,

2022. Upon such application, notice of intimation for holding an enquiry was issued to the petitioner and accordingly, the enquiry was conducted. However, till date, the application of the petitioner for engagement as FPS Dealer has not been disposed of. Hence, this writ petition.

Mr. Timir Baran Saha, learned advocate for the petitioner submits that in spite of holding enquiry, the authority concerned has not yet disposed of the application of the petitioner for engagement of FPS Dealer. He also informs the Court that selection process for engagement of FPS Dealer in respect of declared vacancy has not been completed as yet. He prays for appropriate order for disposal of the application of the petitioner within a stipulated period.

Mr. Amritlal Chatterjee, learned advocate for the State-respondents also submits that the direction be passed upon the Sub-Divisional Controller(Food & Supplies), Basirhat, District North 24 Parganas, being the respondent no.5, for completion of the selection process for such engagement of FPS dealership within stipulated period.

Upon hearing the learned advocates for respective parties and considering the materials on record, the Sub-Divisional Controller (Food & Supplies), Basirhat, District North 24 Parganas, being the respondent no.5 is directed to complete the selection process for engagement of FPS

dealership, if not completed, in respect of the vacancy notification no. 1077/SCF&S/BHT/2020 dated 30th September, 2020, issued on 17th February, 2022 within a period of two months from the date of communication of this order in accordance with law.

The learned advocate on record for the petitioner is directed to communicate this order to the Sub-Divisional Controller (Food & Supplies), Basirhat, District North 24 Parganas, being the respondent no.5.

Since no affidavit has been invited, allegation contained in the writ petition shall be deemed not to have been admitted.

It is made clear that the Court has not gone into the merits of the case.

With the above directions, this writ petition being **WPA 27407 of 2023** stands disposed of along with all connected applications, if any.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)