

9.12. 2024  
item No.16  
n.b.  
ct. no.24

**WPA 28822 of 2024**

**Angina Sanfui**

**Vs.**

**State of West Bengal & Ors.**

Mr. Sayan Banerjee,  
Mr. Suparna Dutta,

.... For the Petitioner.

Ms. Sonal Sinha,  
Ms. Ashumita Chakraborty,

.... For the State.

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

Petitioner applied for a vacancy for FPS dealership dated March 26, 2022. The petitioner applied for the vacancy by submitting specific form along with documents. On the basis of such application, one inspection was conducted at the proposed godown cum shop room of the petitioner on June 10, 2022. It is the case of the petitioner that since then in respect of appointment of the said FPS dealer no progress has been made. The petitioner has contested the Panchayat Election held July 2023 and won as a member of Gram Panchayat. On February 1, 2024, the petitioner informed the concerned authority her willingness to resign from the Panchayat membership. It is the case of the petitioner that entire election process is sub-prejudice in writ petition before the Hon'ble the Chief Justice. He further submits that the authority concerned without following

the rule and also without taken note of the representation of the petitioner rejected her candidature. Hence this writ petition.

Learned counsel appearing on behalf of the petitioner submits that the rule 20(iii a). has specifically mentioned that if any person, who is a member of e Panchayat body, she / he cannot apply for FPS dealer. It is argument of the petitioner that on the date of application of the impugned vacancy notification, the petitioner was not a Panchayat member. So, her application for new FPS vacancy is quite maintainable according to the provision of Rule 20(iii a) of the WBPDS Maintenance and Control order, 2013. He further submits that the concerned authority without considering her representation has rejected the candidature.

Learned counsel appearing on behalf of the state authority has submitted that the rule is very specific if a person is member of Panchayat body cannot be granted FPS licence. He further submits that the petitioner has only offered his willingness to resign from Panchayat membership but till today she has not resigned. He submits that the writ petition is not maintainable according to the provision of law.

Having heard learned counsel for the petitioner and also considering the fact that the present petitioner may had eligible to apply for the vacancy, when she was not a Panchayat Member but subsequently she contested

Panchayat General Election and was elected. It is true that when she field the application, she was eligible afterwards she become a member, she cannot claim licence as of right. It further appears that licenece in favour of a Panchayat member is legally bar. The petitioner never approach with the authority her resignation as Panchayat member.

So, under the above observation, I think the authority concerned has acted justifiably. I find no merit to entertain the instant writ petition.

Accordingly, the writ petition is disposed of.

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

**(Subhendu Samanta, J.)**