

ASR 31.
Ct. no. 24.
28.1.2025

WPA 1642 of 2025

Tahamina Khatun

Vs.

Sub Divisional Controller, department of food and supply & Ors.

Mr. Debbrata Saha Ray

Mr. Subhankar Das

Mr. Neil Basu

Mr. Sankaha Biswas

Mr. Ankan Das

....For the petitioner

Mr. Swapan Kumar Datta

Mr. Dipankar Das Gupta

...For the State

Petitioner applied for FPS license in terms of a vacancy notification being memo no. 183/SCFS/BER/2023 dated 17th February, 2023 issued by SCFS, Berhampur (Sadar).

It is the case of the petitioner that she applied for the license by filing application with requisite documents. The authority concerned has inspected the proposed shop-cum-go-down of the petitioner on 7th May, 2023 by issuing a notice.

Subsequently, the petitioner again issued a notice on 24th August, 2023 for further inquiry of the proposed shop-cum-go-down of the petitioner which was fixed to be conducted on 25th August, 2023. However, on both the dates the proposed shop-cum-go-down of the

petitioner was inspected. Suddenly the petitioner came to know from the portal that her application has been rejected. She submitted an application before the concerned authority under the right to information Act requesting the authority to know the status of the vacancy and the reason for rejection of her candidature. The concerned authority has not properly replied. Hence she approaches this court. It is the case of the petitioner that she made a specific representation for illegal rejection of her candidature to the District Controller (Food & Supply), Murshidabad dated 11th January, 2025; her representation was not considered. So he prayed for necessary direction from this court.

The petitioner also files one supplementary affidavit in support to the writ petition annexing some response of concerned authority of RTI application wherefrom it appears that the authority concerned has informed the petitioner that the vacancy is currently under process for final disposal.

Mr. Swapan Kumar Datta, Learned counsel appearing on behalf of the State respondent submits that the authority concerned may be directed to consider the representation of the petitioner.

Having heard the submission of the parties, it appears to me that the District Controller (Food & Supply), Murshidabad shall dispose of the representation of the petitioner as early as possible

more preferably before completion of the said concerned vacancy.

Under the above observation the instant writ petition is disposed of with a direction to the District Controller (Food & Supply), Murshidabad, being the respondent no. 5 of this writ petition, to dispose of the representation of the petitioner dated 11th January, 2025 within six weeks from the date of communication of this order coupled with the copy of the representation dated 11.1.2025 after giving a reasonable opportunity of being heard to the petitioner. The authority concerned shall intimate the decision of the petitioner within two weeks thereafter.

I make it clear this court has not entered into the merits of this matter. Respondent no. 5 is at leave to dispose of the representation according to the law without being influenced by any observation of this court.

As the affidavits are not exchanged, the allegation made in the writ petition shall be deemed to have been not admitted.

Supplementary affidavit filed on behalf of the petitioner is taken on record.

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

[Subhendu Samanta, J]

