ASR 12.
Ct. no. 24.
13.5.2025

WPA 1718 of 2025

Jannatul Biplob torha

Vs.

State of West Bengal & Ors.

Mr. Debbrata Saha Ray
Mr. Pingal Bhattacharya
Mr. Subhankar Das
Mr. Sankha Biswas

.....For the petitioner

Mr. Arjun Ray Mukherjee
Mr. Samrat Paul

......For the State

Petitioner applied for FPS license in terms of vacancy I.D. no. 202200223310 dated 15th May, 2024 by SCF & S, Domkal.

It is the case of the petitioner that he is the most suitable candidate having specious godown according to the notification and he submitted the application though online application along with all relevant documents. After submission of the application his proposed shop-cum-godown was inspected by the concerned inspectors of sub-divisional controller food & supply, Domkal and when he was waiting for personal interview. It came to his knowledge that his candidature cannot be recommondated on the ground that he is not a solvent candidate.

It is the case of the petitioner that the petitioner uses to maintain two bank accounts one with IDFC

First Bank being account no. 10020652266 and also he has a joint account with his brother in S.B.I, Seikhpara branch.

It is the contention of the petitioner that at the time of enquiry by the enquiry personal the petitioner has placed both the details of bank accounts but the enquiry officer has only taken note of the bank account of IDFC First Bank. He submits that admittedly the application for M.R. dealership was submitted by the petitioner on 7th September, 2024.

It is the further case of the petitioner on 6th September, 2024 in IDFC First Bank, he had balance amount of Rs. 55,000/- but on 7th September, 2024 some amount was withdrawn due to medical insurgency. accordingly the balance in the said account was Rs. 3,899/-.

He submits that due to certain urgency a sum of money was withdrawn from the bank but he used to maintain the working capital in the joint account.

It is the further case of the petitioner that in the joint account the balance amount was more than required amount of Rs. 50,000/-. He submits that the petitioner has approached the concerned SCF&S with the joint bank account but his prayer was turned down on the ground that the petitioner is the second account holder of the joint account so his candidature cannot be considered.

Ultimately the candidature of the petitioner was rejected after filing of the instant writ petition.

The state authority has used affidavit-in-opposition against the writ petition and placed the enquiry report.

It is the contention of the state authority that during filing the online application the petitioner has mentioned his bank account to be the IDFC First Bank. Admittedly, on the date of filing application i.e. on 7th September, 2024 the balance of the said Bank Account was 3,899/-.

It is the contention of the state authority that according to the eligible criteria mentioned in the impugned vacancy notification an applicant must have a working balance of Rs. 50,000/- only in the form of saving account, current account at the date of application.

The petitioner admittedly could not maintain such bank account. Thus the enquiring officers after detailed enquiry has commented that the applicant is not financially solvent at the time of making application. Hence the candidature of the petitioner is rejected.

Mr. Saha Ray, learned counsel appearing on behalf of the petitioner submits that though the petitioner could not maintain the bank account of IDFC First Bank on the date of application but the working capital Rs. 50,000/- is very well maintained by the petitioner with joint account maintained with the S.B.I. Sheikpara branch. He submits that the petitioner is otherwise eligible for getting the license and he is quite solvent person to continue the business the conduct of the concerned authority is irregular and not responsible. He submits that the concerned SCF&S and enquiring officer should have consider his bank account maintained jointly with his brother in S.B.I Sheikpara branch.

Learned counsel for the State respondent submits that the concerned authority has acted according to the rules and proceeded to select the eligible candidates according to the control order as well as the terms of vacancy notification.

He submits that the vacancy notification has specifically mentioned about maintaining bank balance of Rs. 50,000/- on the date of application. The petitioner has admitted that on the date of application he could not maintain bank balance of Rs. 50,000/- in the account which he was mentioned in his online application.

He submits that the concerned authority has acted illegally or arbitrarily in rejecting the candidature of the applicant.

Having heard learned counsel for the parties also considering the material on record it appears that the only point is involved in this matter as to whether the candidature of the petitioner was correctly rejected by the concerned authority while the petitioner could not maintain the bank balance of Rs. 50,000/- in the account which he mentioned in his online application. Admittedly the petitioner has mentioned in his online application regarding his bank detailed to be IDFC First Bank and it is also admitted that on the date of application i.e. on 7th September, 2024 the balance of IDFC First Bank of the petitioner was Rs. 3,899.81.

(VII) of eligible criteria of impugned vacancy notification of 15th May, 2024 read as follows:

"Vii) Working Capital or Fund required at the time of application:

a) Applicants for dealership must have a bank balance of Rs. 50,000/- (Rupees fifty thousand) only in the form of Savings Account, Current Account and/or fixed/term/flexi deposit in a Scheduled Commercial Bank and or Post Office as working capital on the date of application."

The notification mentioned the eligible criteria that the applicant must have a bank balance or Rs. 50,000/-. In terms of the eligible criteria petitioner could not maintain the bank balance of atleast 50,000/- in the bank which he mentioned at the time of application. However, it is the case of the petitioner that he has placed the other bank details to the officers who went to enquire the proposed shop-cum-godown of the petitioner.

The enquiry report was placed with the affidavit-in-opposition of the State authority. I have perused the enquiry report. It appears that the enquiry report has detailed about the bank account of the petitioner to be IDFC First Bank, Salt Lake branch having balance Rs. 3,899.81.

The enquiry officers have not mentioned anything regarding production of other bank account (SBI) by the petitioner at the date of enquiry.

It is the further case of the petitioner that though he approached to the SCF&S concerned to prove his financial solvency, which he maintained at the time of filing the application with the other bank (SBI) but the SCF & S concerned has not considered his grievances.

Let me consider whether the concerned enquiring officer or the SCF&S concerned has any authority to accept the petitioner's grievance after filing of the application.

It appears to me that there are specific provision in the control order, 2013 regarding the scope of enquiry and the formate of the enquiry report. It has been mentioned in form L of the control order, 2013 in case of joint account holder or for investment with any other partners regarding the solvency of any person, NOC of the joint account holder required to be placed along with the application. In the present case, the petitioner has not placed any NOC of his brother. Moreover, he never mentioned that the brother of the petitioner who jointly maintained the bank account (SBI) has already handed over NOC. Moreover, it further appears to me that according to the vacancy notification the each and every applicant has to furnish entire details of eligibility of his candidature through online. After submission of such online application his candidature and his proposed shop-cum-godown has to be verified by the enquiry officer. At the time of verification by the enquiring officer, the officers are not permitted to act beyond the scope of the application filed by the applicant. Extraneous consideration and/or extraneous documents beyond the scope of application are not permitted by the enquiring officer to enquire, if that can be done or allowed to be done that would be out of the ambit of the notification.

Under the above observation, I am of the view that though the petitioner is otherwise solvent but that cannot be concidered by the concerned SCFS or enquiring officer at the time of determine the eligibility criteria of the present applicant.

Thus I find no justification to take note of financial solvency of the present petitioner through other bank account for purpose of considering his application for getting license under the impugned vacancy notification.

Under the above observation, the instant writ petitioner appears to be not meritorious. Hence, I find no justification to entertain with the decision of the concerned authority.

The application (WPA 1718 of 2025) is disposed of.

[Subhendu Samanta, J]