

24.03.2025
Court No.24
Item No.29
CP

WPA No.2537 of 2025

Yousuf Ali Khan
Versus
State of West Bengal & Ors.

Mr. Debabrata Saha Roy, Sr. Adv.
Mr. Pingal Bhattacharyya
Mr. Subhankar Das

..... for the Petitioner.

Ms. Sonal Sinha
Ms. Ashmita Chakraborty
Ms. Shabnam Farooqui

..... for the State.

The petitioner applied for FPS licence in terms of vacancy notification No.1007-BL2/SCFS/BER/2023 dated November 2, 2023. The concerned authority has inspected the proposed shop cum godown of the petitioner and he was called for an interview before the District Level Fair Price Shop Selection Committee for final approval.

It is the contention of the petitioner that during the course of interview, one of the board member of the said committee has disclosed that the petitioner was earlier a stamp vendor whose vendorship licence was cancelled due to his physical incapacitation. Now the said member of the board has stated that the petitioner cannot be medically fit to get the licence of FPS.

It is the contention of the petitioner that it is true that he was a stamp vendor earlier but due to his physical inability and illness he applied before the authority for cancellation of his licence. In terms of his application the licence was cancelled. He further submitted that after such ailment he was treated at the government hospital. Now he has become fit after the treatment. He has got the necessary certificate from the concerned medical officer certifying therein that he is fit to run the licence of FPS. It is the contention of the petitioner that he is not an unfit candidate but one of the members of the board has abruptly cancelled his candidature without verifying medical certificate, which is improper, illegal and arbitrary.

Hence this writ petition.

Heard the learned counsel and perused the writ petition along with the annexures thereof.

It appears from the Medical Certificate of Fitness issued by the Medical Officer, Beldanga Rural Hospital, Murshidabad dated March 28, 2024, that the present petitioner is fit to run the FPS dealership licence. Considering the entire aspect this Court deems it fit to relegate the matter to the Director, DDP & S, Food and Supplies Department, Government of West Bengal, being the respondent no. 3 herein, to

dispose of the representation of the petitioner appearing at page no. 32 of the writ petition.

The respondent no. 3 shall consider the representation along with the relevant documents which shall be supplied by the petitioner at the time of hearing. The petitioner shall be allowed to participate in the hearing.

The representation shall be disposed of by passing a reasoned order within six weeks from the date of communication of this order. The reasoned order, so arrived at by the respondent no. 3, shall be communicated to the petitioner within two weeks thereafter.

It is made clear that this Court has not gone into the merits of this case. The authority concerned shall proceed in accordance with law, without being influenced by any observations made hereinabove.

As affidavits have not been exchanged between the parties, the allegations made in the writ petition shall be deemed not to have been admitted.

Accordingly, the writ petition is disposed of. However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, shall be furnished to the applicant at an early date, upon compliance of usual formalities.

(Subhendu Samanta, J.)