

05.03.2025
SL No.14
Court No.24
Ali

WPA 3255 of 2025

**Prabhat Singha
Versus
The State of West Bengal & Ors.**

Mr. Ram Anand Agarwala,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray,
Ms. N. Khatoon

....for the petitioner.

Ms. Sonal Sinha,
Ms. Ashmita Ghosh

.....for the State.

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

The father of the petitioner, namely, Anadi
Singha was a FPS Dealer, who expired on 31st
May, 2024. After his expiry, the petitioner applied
for licence under compassionate ground by making
a specific application to the authority on August
21, 2024, but, the authority concerned had issued
a fresh Vacancy Notification over the same area on
2nd of January, 2025 without disposing of the
application of petitioner.

Mr. Agarwala, learned Senior counsel
appearing on behalf of the petitioner submits that
before disposal of the application for

compassionate appointment the authority concerned cannot issue fresh Vacancy Notification.

Ms. Sinha, learned counsel appearing on behalf of the State authority submits that the State Government has taken a decision to minimize the ration card of the every FPS. On that score, the new vacancy has been declared. She submits that the authority concerned may be directed to dispose of the application of the petitioner according to the law but till then the vacancy may be proceeded.

Having heard the learned counsel for the parties; after considering the licence issued by the authority in favour of the father of the petitioner; it appears that the new vacancy Notification dated 2nd January, 2025 was declared in respect of the areas wherein the father of the petitioner was running the FPS.

Whatever may be the decision of the State regarding new Vacancy Notification and the number of PDS thereof, it is the obligatory from the State authority to dispose of the application for compassionate appointment before issuing a fresh Vacancy Notification. I understand the impugned Vacancy Notification is not the resultant vacancy; but, still then, it appears that the Vacancy Notification has issued in respect of the area

wherein the father of the petitioner was running the licence.

On the above score, the instant writ petition is disposed of with a direction to the concerned authority to dispose of the application of the petitioner for compassionate appointment filed on 21st of August, 2024 within six weeks from the date of communication of this order by giving a reasonable opportunity of being heard to the petitioner and shall dispose of the same according to the law.

The decision of the authority shall be intimated to the petitioner within two weeks thereafter.

Having heard the learned counsels for the parties and considering the materials on record, I am of the view that if the fresh Vacancy Notification dated (02.01.2025) is allowed to be continued or by virtue of the said notification and thereby if any new dealer was appointed in that location, the third party interest would be created and multiplicity of the proceeding would be cropped up. For that reason, I think it necessary to pass an order of stay of impugned vacancy notification dated 2nd of January, 2025 till the conclusion of above mentioned exercise by the concerned authority.

I make it clear that this court has not entered into merit in this matter; the authority concerned is at leave to dispose of the matter according to the law, without being influenced by any observation passed by this court.

Under the above observations, the writ petition being **WPA 3255 of 2025** is disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)