

04.3. 2025
item No. 33
n.b.
ct. no. 24

WPA 3334 of 2025

Murshida Begum

Vs.

The State of West Bengal & Ors.

Mr. Mr. Syed Arif Ahmed,
..... for the petitioner.

Petitioner challenged a reasoned order of the competent authority dated November 5, 2024, which was passed in pursuance to the direction of this Court dated September 2, 2024 passed in WPA 21357 of 2024.

Petitioner filed this writ petition with a prayer that the licence, which was issued in the name of her husband may be given to her on compassionate ground.

It further appears that the petitioner herself did not challenge the reason order of the competent authority or never prayed for setting aside the impugned order dated November 5, 2024.

The brief fact of the case is that the husband of the petitioner namely, Lutfar Rahaman was a MR dealer. The licence of Lufar Rahaman was terminated on the ground of medical incapacitation. After became fit, he filed an application before the authority concerned for getting the licence back. His prayer was not considered and during that period he expired. The petitioner approached the authority in the year 2008 for getting licence of her husband on compassionate ground. The

matter was went up to the District Controller, Food & Supply wherein the District Controller vide memo dated May 12, 2016 has intimated the concerned Joint Director(Licence) that the prayer of the petitioner cannot be considered on compassionate appointment as the FPS was not tagged due to the death of dealer. She approached this Court, wherein this Court has directed the authority to dispose of the representation of the petitioner.

Vide reasoned order dated November 5, 2024, the authority concerned has passed an order that as follows:

“As per kind instruction of the competent authority of the Department Vide e file no.1042979, Dated 19.9.2024 in connection with the WPA No.21357 of 2024, Murshida Beggum... Petitioner Vs. State of West Bengal & Ors... Respondents as personal hearing of Murshida Begum was held on 28.10.2024 at 3.00 PM at the office chamber of the undersigned and recorded deposition. After scrutinizing all the relevant documents and deposition of Personal Hearing now the undersigned also informed her at the time of personal hearing on 28.10.2024 that the application does not arise as compassionate case because the FPS concerned was not tagged due to death of dealer. As a result the prayer of Murshida Baegum for engagement as FPS dealer on compassionate ground has already been rejected by the competent authority of the Department vide memo

no.1967/FMR/131-62/2014(Part I), dated 12.5.2016. The same was intimated to Murshida Begum W/O Late Lutfar Rahaman Molla by the office of the undersigned vide memo no.511/SC(F&S)/ULU/16 dated 21.6.2016,”

Having heard learned counsel for the parties, it appears that the prayer of the petitioner is not tenable in the eye of law as the licence of her husband was not terminated due to the death of her husband, her prayer for compassionate appointment cannot be considered.

I make it clear that the prayer of the present petitioner on compassionate appointment was earlier turned down by the authority concerned. Thus, I find no illegality or unreasonableness in the impugned order dated November 5, 2024 passed by the competent authority.

Under the above observation, the writ petition is disposed of as devoid on merit.

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

(Subhendu Samanta, J.)