

04.3. 2025
item No. 35
n.b.
ct. no. 24

WPA 3390 of 2025

Punam Das Mondal

Vs.

The State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
..... for the petitioner.

Mr. Swapan Kr. Dutta,
Ms. Sucharita Ray,
..... for the State respondents.

Petitioner applied for FPS liecence in terms of notification dated May 13, 2024 issued by the SCFS, Jhargram. It is the case of the petitioner that the entire selection process was conducted by the authority concerned adopting a method, which is illegal and violating the provisions of the WBPDS(M & C) Order, 2013. It is a positive fact of the petitioner that the petitioner was recommended as a qualified candidate alongwith one candidate namely, Mala Roy(respondent no.6). The candidate namely, Mala Roy cannot be held to be qualified candidate on several reasons. Accordingly, he made a representation to the authority on January 16, 2025, which was not considered by the authority, hence this writ.

Mr. Dutta, learned counsel appearing on behalf of the State has raised strong objection and submits that the entire selection process is yet to be concluded. The petitioner's candidature has not been cancelled or

authority has not taken any decision. Accordingly, the petitioner cannot be termed as aggrieved candidate. He further submits that the instant writ petition is premature one, so, it is liable to be dismissed.

It is further contention of Mr. Dutta that the writ Court cannot intrude himself into the selection process directing the authority to take a reasoned decision during the pendency of the entire process. It is purely executive domain of the authority for taking a decision.

Mr. Saha Roy, learned senior counsel appeared on behalf of the petitioner submits that the selection process was adopted on the basis of the impugned notification dated May 13, 2024, since then, they are delaying the process. So, the necessary direction was passed to clear the entire selection process.

Having heard learned counsel for the parties I make it clear that the entire selection process is yet to be concluded. So, at this juncture, the authority has to take a decision according to law, in selecting the suitable candidate for the said vacancy. Moreover, the candidature of the present petitioner was not rejected or no one has appointed.

In that score, I find not justification to pass a specific direction upon the authority to consider the representation of the petitioner. However, the authority must act according to the provision of the Control Order, 2013 to conclude the entire selection process. I have

observed that the selection process is yet to be concluded. Thus, the authority concerned has not followed the directives of the Control Order, 2013 to conclude the selection process within a specific time. I think it necessary to pass a direction upon the authority concerned to disposed of the selection process as early as possible more preferably within six weeks from the date of passing of this order.

Since no affidavit has been exchanged between the parties, the allegation made in the writ petition shall be deemed to have admitted.

I make it clear that this Court has not enter into the merit of this order, the authority concerned had to selected the suitable candidate according to law.

Under above observation, writ petition is disposed of.

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

(Subhendu Samanta, J.)