

19.03.2025
Sl. No.13
AKG
Ct. no.24

WPA 3542 of 2025

**Subed Ali
Vs.
The State of West Bengal & Ors.**

Md. Nauroz Rahber,
Mr. Muhammad Jawwad
..... for the petitioner
Mr. Nilotpall Chatterjee,
Mr. Amrita Lal Chatterjee
.... For the State
Mr. Sasthi Charan Dhara,
.... For the private respondent.

Affidavit of service filed by the petitioner is taken on record.

The petitioner applied for fair price shop licence in terms of notification no. 619/ESTT/SCFS/RGJ/2022 dated November 17, 2022.

It is the case of the petitioner that his application was received by the authority. His proposed shop cum godown was inspected and he was called for a personal interview by the District Fair Price Shop Selection Committee. Thereafter, he came to know that the private respondent was selected.

It is the contention of the petitioner that the private respondent has criminal antecedent and the proposed godown was not standing in the name of the private respondent. The authority concerned has erroneously issued the licence arbitrarily in favour of the private respondent. He made detailed representation with the

authority concerned on February 1, 2025. The authority concerned has not acted upon the representation. Hence this writ petition.

Mr. Dhara, learned counsel appearing on behalf of the private respondent submits that he has fulfilled the eligible criteria according to the notification dated 17.11.2022. His candidature was vividly verified by the authority; as he appears to be most suitable candidate, his candidature was approved and he has given licence by the authority and now he has running the business.

Learned counsel appearing on behalf of the State respondent submits that most suitable candidate was selected by the authority in terms of the vacancy notification dated 17.11.2022 as well, according to the provisions of West Bengal Public Distribution System(Management & Control), Order 2013. He submits that present petitioner has no locus standi to file the writ petition, after his candidature was cancelled and the private respondent is being selected, he has filed the instant writ petition.

Having heard the learned counsel for the parties, it appears to me that the petitioner has submitted a representation to the authority containing several allegations against the petitioner. I understand that the concerned authority must have verified all credentials of the private respondent before issuing licence but at the same time the call of the petitioner in terms of his

representation dated February 1, 2025 has to be answered by the concerned authority.

Under the above observation, the instant writ petition is disposed of directing the Director, Distribution Procurement & Supply, Department of Food & Supplies being respondent no.2 to consider the representation of the petitioner appearing at page 48 of the writ petition and shall disposed of the representation within six weeks from the date of communication of this order after giving a reasonable opportunity of being heard to all the parties. The decision of the authority shall be deemed to have been communicated to the petitioner within two weeks thereafter.

However, I make it clear that this Court has not gone into the merit of the case, the concerned authority has to dispose of the representation according to law without being influenced by any observation of this Court.

Since no affidavit has been exchanged between the parties, the allegations in the writ petition shall be deemed not to have been admitted.

Under the above observation, the instant 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.)