

13.03.2025
SL No.3
Court No.24
Ali

WPA 3685 of 2025

**Joni Mondal
Versus
State of West Bengal & Ors.**

Mr. Partha Patim Roy,
Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty

....for the petitioner.

Ms. Sonal Sinha,
Mr. Saptak Sanyal

.....for the State.

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

Ms. Sonal Sinha, learned counsel represents the State of West Bengal.

Petitioner applied for Fair Price Shop licence in respect of Vacancy issued by the concerned department vides Vacancy ID No. 202280166001 in respect of Ward Nos. 14, 15 and 16 of Murshidabad Municipality in 2024.

It is the contention of the petitioner that after submission of the application the concerned authority has inspected the proposed Shop-cum-Godown of the petitioner at the time the proposed Godown was completely constructed but some bamboo was standing there which were used at the time of preparation of the roof of the said

godown. However, the petitioner has approached the authority for re-enquiry of his proposed Shop-cum-Godown.

It is the further contention of the petitioner that during the course of filled up the Vacancy he came to know that the authority concerned are going to issue licence in favour of one Jayanta Das.

It is the contention of the petitioner that the said Jayanta Das is not an eligible candidate and his proposed Shop-cum-Godown is not at per the Notification itself. He also placed a photo copy of a letter issued by the District Controller, Food & Supply, Murshidabad wherein the District Controller has directed the Sub-Divisional Controller concerned to make an enquiry over the complaint against the said vacancy ID. He submits that if the said Jayanta Das was appointed it would be tantamount to be nepotism by the concerned authority. So, he prayed for direction upon the authority concerned so that the said person may not be allotted the licence.

Learned counsel appearing on behalf of the State authority submits that the instant writ petition is premature one. So far as, instruction concerned, he does not have knowledge whether any person was at all appointed in respect of the

said vacancy. He further submits that the alleged enquiry in respect of the complaint was also unknown to the concerned authority.

Having heard the learned counsel for the parties; it appears to me that nothing has been placed before this Court regarding allegation of nepotism by Department concerned; it is also unknown whether any person was appointed in respect of the said vacancy. Moreover, this Court is unaware about any enquiry in respect of the complaint by the office of the District Magistrate, Murshidabad.

However, it appears that the present petitioner has lodged a representation with the authority which was not considered. It appears to me that the representation filed by the present petitioner appearing in P-6 of this writ petition had demonstrated all his grievances including prayer for re-enquiry of his proposed Shop-cum-Godown.

I make it clear that there is no provision in the WBPDS (Maintenance & Control) Order, 2013, regarding re-enquiry of proposed Shop-cum-Godown of an applicant. However, the authority concerned, if thinks fit may do the same according to the law.

Considering the same, the instant writ petition is disposed of with a direction to the

respondent No. 4 i.e. District Controller, Food and Supplies, Murshidabad, to consider the representation of the petitioner appearing in Page-6 of the writ petition.

The respondent No. 4 shall pass a reasoned order on the basis of the representation made by the petitioner within six weeks from date of communication of the order after giving a reasonable opportunity of being heard to all concerned; the decision so arrived at shall be communicated to the petitioner within two weeks thereafter.

As the affidavits are not exchanged, the allegation made herein shall be deemed to have been not admitted.

This Court has not entered into the merits of this matter; the concerned authority (respondent No.4) is at liberty to deal with the matter according to the law, without being influenced by any of the findings of this Court.

Under the above observation, the writ petition 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.)