

2.4. 2025
item No.29
n.b.
ct. no.24

WPA 4660 of 2025

Md. Ismail Mondal
Vs.
The State of West Bengal & Ors.

Mr. Pingal Bhattacharyya,
Mr. Snehasish Dey
..... for the petitioner.
Mr. Sirsanya Bandopadhyay,
.... For the State.

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

The present petitioners challenged impugned
vacancy notification for appointment of FPS dealer over
the operational area, where the present petitioner is
already running F.P. Shop dealership business with an
unblemished track record and full satisfaction since long.

Mr. Pingal Bhattacharyya, learned advocate for the
petitioner submits that the petitioner has challenged the
vacancy notification on the ground that after promulgation
of National Food Security Act, 2013 and Targeted Public
Distribution (Control) Order, 2015, the Control Order
2013, on the basis of which the vacancy has been
declared, has become redundant. He seeks for interim
protection to the extent that the State can proceed with
the selection process but should not grant licence till the

issue is decided by this Court in batch of appeals, hearing of which has already been started.

Learned advocate for the State-respondents seeks to file report in the form of affidavit.

Learned advocate for the State submits that the batch of appeal which are pending before the Hon'ble Division Bench and the order passed by the Hon'ble Division Bench is only in respect of the appellant themselves i.e. the order in its nature, "in personem". The interim order passed by the Division Bench cannot be made applicable in case of the present petitioner.

Learned advocate for the State respondent seeks to file report in the form of affidavit. Let such report in the form of affidavit be filed by the State respondent within four weeks from the date, exception, if any, be filed by the petitioner within two weeks thereafter.

It is true that some petitioners who approached before the Hon'ble Division Bench may have their right and the orders in respect of their personal right regarding their FPS are concerned, but, it appears that after promulgation of the National Food Security Act, 2013. The validity of the Control Order, 2013 is also challenged before the Hon'ble Division Bench. If any order passed by this Court during the pendency of the appeal it would otherwise touch the merit of that pending appeals, that will tantamount to be the violation of the judicial discipline of this Court.

Considering the situations and considering the aforesaid submissions, State Authority is at liberty to proceed with the selection process but so far as the grant of licence is concerned, the same shall not be issued till the disposal of batch of appeals pending before the learned Division Bench being in MAT 1543 of 2004 and Ors.

Let the matter go out of the list.

Liberty to mention.

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

(Subhendu Samanta, J.)