

25.03.2025
SL No.03
Court No.24
Ali

WPA 5844 of 2025

**Abdul Salam
Versus
The State of West Bengal & Ors.**

Mr. Syed E. Huda,
Sk. Aptabuddin,
Ms. Nabeela Akbar

..... for the petitioner.

Ms. Sonal Sinha,
Ms. Ashmita Chakraborty

.... for the State.

Petitioner applied for FPS licence in terms of Vacancy Notification of SCFS, Islampur vide Memo No. 347 dated 13th May, 2024.

The petitioner participated in the said selection process and applied for licence. His proposed shop-cum-godown was inspected. He placed the necessary documents.

It is the contention of the petitioner that he is the most suitable candidate for getting the licence but the concerned respondent authority has issued licence in favour of respondent No. 6.

It is the contention of Mr. Huda, learned counsel for the petitioner that the entire process for selection of concerned department is erroneous and illegal. He placed the Vacancy Notification, wherein Part-5 Clause 11 (vi) depicted that:

"vi). The entire procedure of selection of a suitable candidate for FPS Dealership will be guided by the relevant provisions of WBPDS (M&C) Order, 2013 as amended up to date and order issued there under vide No.2037-FS dated 22.05.2023 and any other relevant order issued before the publication of this notice, which are available in the official portal".

It is the contention of Mr. Huda that the concerned authority has cancelled the candidature of the present petitioner showing the detailed marks obtained by the petitioner in the selection process. He submitted that the authority concerned has considered his candidature following marking process by virtue of Notification dated 17th August, 2021, which was suppressed by further Notification dated 22nd May, 2023.

He submits that the concerned authority has followed the Notification dated 17th August, 2021 which has been suppressed by further Notification so the conduct the authority in the selection process is arbitrary and illegal. He submits that the licence issued in favour of private respondent required to be cancelled.

It is the contention of learned counsel for the petitioner that he made a detailed representation with the authority but the authority concerned has not responded, hence this writ.

Learned counsel appearing on behalf of the State authority submits that the concerned authority has considered the application, and allocated marks in following the Notification dated 25.02.2023. Private respondent No. 6 being the suitable candidate has granted the licence.

Heard the learned counsel perused the portal of the concerned department which reflected the marks obtained by petitioner; it appears that in portal total out of 75, the petitioner has scored 59 marks. The 59 marks were given under 8 (eight) categories.

Notification dated 17th August, 2021 has given the authority to the concerned SCFS to allocate 75 marks on 8 (eight) categories. It appears from page 40 of the writ petition that the concerned authority has given the allocated the marks in favour of the petitioner following the said 8 (eight) heads.

On perusing the notification dated 22.05.2023 it appears to me that there are 12 heads on the basis of which the marks are required be allocated to the applicants out of total 75 marks. Moreover, "the number of compartment in the Shop-cum-Godown", "structure of roof to the godown", "heights of the godown" were the categories which are missing in Notification dated

17th August, 2021. The said sub categories were also missing in the awarded marks of the petitioner appearing in page-40 of the writ petition.

At this juncture, it appears to me justified to hold that the authority concerned has followed the Notification dated 17th August, 2021.

However, this observation of this Court is tentative in nature. The authority concerned has to take up the calls of the petitioner by way of representation which he already filed with the authority on 4th of March, 2025.

Under the above observation, I think it would be justified to relegate the matter to the authority concerned to decide the issue afresh.

Accordingly, the instant writ petition is disposed of with a direction to the authority concerned to dispose of the representation of the petitioner dated 4th of March, 2025 within six weeks from the date of communication of this order.

District Controller, Food and Supplies, Uttar Dinajpur being the respondent No. 3 of this writ petition, shall consider the representation filed by the petitioner on 04.03.2025 in respect of all the points raised by the petitioner and shall pass a reasoned order.

In passing the reasoned order the concerned authority shall determine whether the marking system adopted by the authority concerned has been followed the Notification dated 17th August, 2021 or 22.05.2023. If it appears to the authority that the concerned department shall follow the guideline of Notification dated 17th August, 2021, the entire procedure for allocation of marking has to be initiated again from its inception according to Notification dated 22.05.2023.

I further make it clear that authority concerned shall dispose of the representation in respect of all the points after giving a reasonable opportunity of being heard to the petitioner and all interested persons, the decision of the authority shall be intimated to petitioner within two weeks thereafter.

Considering the entire facts and circumstances of this case, till the decision be arrived at, no allocation be made in favour of respondent No. 6.

This Court has not entered into the merits of this matter, the respondent No. 3 is at leave to dispose of the representation according to the direction made hereinabove and according to all relevant Notifications made there under as per

Control Order, 2013, without being influenced by any observation of this Court.

As affidavits are not exchanged, the allegations made in the writ petition shall be deemed to have been not admitted.

Under the above observations, the writ petition being **WPA 5844 of 2025** 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.)