

24.04.2025.
Item No. 15.
Court No. 13
ap

M.A.T. No. 375 of 2025
With
I.A. No. CAN 1 of 2025

Murshida Begum
Versus
The State of West Bengal & Ors.

Mr. Syed Arif Ahmed.

...For the appellant.

Mr. Sirsanya Bandopadhyay,
Mr. Debopriyo Karan.

....For the State.

1. The appellant is aggrieved by an order dated 4th March, 2025 passed by a learned Single Judge of this Court in W.P.A. No. 3334 of 2025.
2. By the said order, the learned Single Judge declined interference with an order dated 5th November, 2024 passed by the competent authority declining the appointment of the appellant as a FPS Dealer on compassionate ground.
3. It appears that the petitioner's husband was the original FPS Dealer. Having fallen ill, he applied before the competent authority for keeping his license in abeyance.
4. After the petitioner's husband allegedly recovered, he applied for restoration of his licence. During the pendency of the said request, the petitioner's husband died on 4th October, 2008. Prior to his death, the dealership was terminated on the ground of medical incapacitation.

5. The petitioner/appellant applied for transfer of the Dealership in her name on compassionate ground on 21st October, 2008. The said request was rejected by the respondents vide Memo dated 12th May, 2016. The petitioner filed W.P.A. No. 21357 of 2024 praying for a direction upon the respondents to consider and dispose of her pending application.

6. The petitioner appears to have suppressed before the learned Single Judge of this Court that her application was already rejected in the year 2016.

7. Notwithstanding the above, the learned Single Judge of this Court directed consideration of the petitioner's case. The Sub-Divisional Controller (Food & Supplies), Uluberia by an order dated 5th November, 2024 confirmed the earlier order of rejection dated 21st June, 2016.

8. It was reiterated that since the petitioner husband's application was terminated on the ground of medical incapacitation, the compassionate employment on account of his death was not permissible.

9. In any event, the writ petition itself is belated and filed by suppression of material facts i.e. the order dated 21st June, 2016 issued by the Sub-Divisional Controller (Food & Supplies), Uluberia.

10. The impugned order, therefore, calls for no interference.

11. The instructions of the Sub-Divisional Controller (Food & Supplies), Uluberia & E.O. Deputy Director filed in Court today be taken on record.

12. With the aforesaid observations, the instant intra court appeal shall stand dismissed.

13. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

14. There will be no order as to costs.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)