

11.06.2025
Item No.22
Ali
ct. no.24

WPA 6648 of 2025

**Tarapada Das
Vs.
State of West Bengal & Ors.**

Ms. Pampa Dey (Dhabal),
Ms. Sangita Banerjee

..... for the petitioner.

Mr. Swapan Kr. Datta, Sr. Adv.
Mr. Dipankar Das Gupta

.....for the State.

Mother of the present petitioner, namely,
Dipali Das is running a FPS at Layekbandh under
Block Bishnupur District Bankura.

Petitioner being the son of the MR Dealer,
helping his mother to run the business. Petitioner
challenged a vacancy notification No.
317/SCV/MR/2022 dated 17.03.2020 on the ground
that the vacancy was declared to engage a new FPS
at Village-Radhanagar. Petitioner submits that
Radhanagar is within the service area of petitioner
mother's MR shop. Thus, if new FPS Dealer was
appointed for the Village Radhanagar his business
would be crunched.

Mr. Swapan Kr. Datta, learned senior counsel
appearing on behalf of the State respondent submits
that the instant writ petition is infructuous. The
impugned vacancy notification dated 17th March,

2020 has already been cancelled by the authority. He further submits that on cancellation of such vacancy the new vacancy notification was published vide memo No. 11/SCV/MR/2022 dated 05.01.2022. No suitable candidate found for the vacancy. Thus, the vacancy was again re-notified vide memo No. 683/SCV/MR/2024 dated 10.05.2024.

Mr. Datta submits the written instructions of the authority before this Court. The relevant paragraphs of the written instructions are set out for proper appraisal:

"3. Department of Food & Supplies, Govt. of Wes Bengal has declared vacancy for engagement of FPS dealership against FPS of Guruprasad Chatterjee vide memo no. 317/SCV/MR/20 Dt 17.03.2020 in the interest of smoothly running of Public Distribution System.

4. After declaration of said vacancy only 02 (two) applications VIZ Tarapada Das S/O Late Shyamapada Das & Arpita Nag D/O Swapan Nag were received against notification no. 317/SCV/MR/20 Dt 17.03.2020.

5. The application of Tarapada Das S/O Late Shyamapada Das was cancelled as his mother Smt Dipali Das was an FPS dealer as per declaration in Form-"C" and also the area of his proposed godown (345.02 Sq ft.) and office room (158.3 Sq ft.) did not fulfill/satisfy the criteria as laid down in WBPDS(M&C) Order, 2013 as well as G.O. No. 1707 FS & G.O No.

1706 FS dt 21.7.2014. The other applicant also not fulfilled/satisfied the criteria as laid down in WBPDS(M&C) Order, 2013 as well as G.O. No. 1707 FS & G.O. No. 1706 FS dt 21.7.2014.

6. As no suitable candidate found the vacancy was re-notified vide memo no. 11/SCV/MR/2022 after taking approval of District Magistrate vide his memo no. 2634(3)/DCF&S/BNK/MR/VACANCY Dt. 28.12.2021.

7. Sri Tarapada Das S/O Late Shyamapada Das again applied against that notification but his candidature was cancelled as he is not eligible to apply for a License of FPS dealership as per Part-3, Point No-13(i) of the said notification as his mother Dipali Das W/O Late Shyamapada Das possessed FPS License vide FPS Code No. WB0339101596 under Bishnupur block.

8. As no suitable candidate found the vacancy was re-notified vide memo no. 683/SCV/MR/2024 Dt 10.5.2024 in pursuance of approval order no 202200236902 of Govt. of West Bengal. In this vacancy notification around 10 (ten) candidates applied and enquiry of these application have already been done and License will be issued to the suitable candidate which is now under process."

Having heard the learned counsel for the parties; it appears to me that the petitioner has not intimated that the impugned vacancy notification has already been cancelled. However, today the impugned vacancy notification is not in existence

thus the instant writ petition is disposed of as infructuous.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)