

WPA 7692 OF 2025

11.06.2025

Sl no. 30

Ct no. 24

P.M.

Ramkrishna Mondal

- Vs -

The State of West Bengal & Ors.

Mr. S. S. Mondal,

Ms. Arunima Das Sharma

... for the Petitioner

Mr. Debabrata Saha Roy,

Mr. Pingal Bhattacharyya,

Mr. Subhankar Das

... for the private respondent

Mr. Sirsanya Bandopadhyay,

Ms. Tapati Samanta

... for the State

Petitioner applied for licence in terms of vacancy notification dated 13th June, 2024 issued by SCFS, Lalbagh.

Petitioner applied online application on 7th September, 2024. After submission of his application his proposed shop cum godown was inspected by the concerned authority. Suddenly it appears in the portal that the candidature of the petitioner was rejected. It is the contention of the learned counsel for the petitioner that no reason has been assigned by the concerned authority in rejecting his candidature. Thus he filed several representations before the authority but the authority did not responded. Subsequently, the authority concerned

has issued licence in favour of the private respondent. The petitioner challenged the licence issued in favour of the private respondent. Hence this writ petition.

Learned counsel appearing on behalf of the State respondent submits a written instruction wherein they have specifically annexed impugned vacancy notification, enquiry report of proposed shop cum godown of the petitioner as well as bank details of the petitioner, searched through a portal viz. FINACLE under A/C ID No. 5409019902910.

It is the contention of the State authority that during enquiry, the concerned enquiring Officer has inspected the bank account of the petitioner which he disclosed in his application. On the date of making application that is on 9th September, 2024 bank balance of the petitioner was Rs. 17,774/- and on 29th September, 2024 it was Rs. 15,774/-.

It is the contention of the enquiring officer that the petitioner was not financially solvent hence his application was not considered to be eligible.

Learned counsel for the State respondent further submits that the petitioner could not fulfill the eligible criteria accordingly the vacancy

notification dated 13.06.2024 reasons thereby, his candidature was rightly rejected.

Learned counsel appearing on behalf of the private respondent submits that the present petitioner is an ineligible candidate, being an ineligible candidate he cannot challenge the selection of private respondent.

Having heard the learned counsel for the parties and considering the written instruction it appears that Part 2 of vacancy notification contained eligible criteria. Under Clause 8(VII)(a) it has been specified that

“Applicants for dealership must have bank balance of Rs. 50,000/- (Rupees fifty thousand) only in the form of Savings Account, Current Account and/or Fixed/term/flexi deposit in a scheduled Commercial Bank and/or Post Office as working capital on the date of application.”

So the eligible criteria requires that the applicant must have a bank balance of Rs. 50,000/- only on the date of his submission of application.

The bank account as disclosed by the petitioner shows he did not have the required bank balance of Rs. 50,000/- of the day of submission of the application.

At this juncture, learned counsel for the petitioner submits that petitioner may have other bank accounts or fixed deposit account or flexi deposit account which may aggregate the balance of Rupees more than 50,000/-.

I can understand the submission of the learned counsel appearing on behalf of the petitioner regarding the solvency of the petitioner to participate in the selection procedure, being in terms of the vacancy notification the petitioner has to disclose his bank account in his application stating the bank details including Account number. The concerned enquiring officers has enquired about the bank details and came to an opinion that he did not have the requisite bank balance of Rs. 50,000/-.

At this juncture, I cannot disbelieve the act and action of the enquiring officer as well as concerned authority concerned to come to an opinion that the present petitioner is not financially solvent though it can understand that the petitioner may have other bank account, but he did not disclose the same.

At this juncture, when the licence has already been issued; after completion of the selection process the issue cannot be reopened.

I make it clear that from plain perusal of the entire facts it appears that present petitioner's candidature was correctly rejected as he was not eligible candidate.

Under the above observation I find no justification to interfere with the decision of the concerned authority in selecting the private respondent.

Under the above observations this writ petition is dismissed and disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Subhendu Samanta, J.)