

19.11.2025
Item No.21
Ct. No. 30
Aloke

WPA 8602 of 2024

**Rukhsar Begum
Vs
The State of West Bengal & Ors.**

Mr. Prosenjit Mukherjee
... for the petitioner
Mr. Sirsanya Bandopadhyay
Ms. Tapati Samanta
Mr. Arindam Ghosh
... for the State
Mr. Pritam Chowdhury
Mr. M. Nazar Chwodhury
Mr. Priyanka Saha
Mr. Mr. M. Shalik
Mr. Farhen Rais
... for the private respondent

1. The writ application has been preferred praying for direction upon the respondents to rescind the impugned selection of the private respondent as a M.R. Dealership of a Fair Price Shop in respect of the vacancy at Kalughat, Kalughat FP School in terms of the notification being No.1107/SCFS/ISP/2022 and set aside the said impugned candidature of the private respondent.

2. Parties have filed their affidavits which are on record.

3. The contention of the petitioner herein is two fold :

(i) That the private respondent has been granted licence in spite of the fact that another family member has also got a licence. **(ii)** It is submitted that as such the licence granted in favour of the private respondent

being not in accordance with law is liable to be set aside.

4. Learned counsel for the State submits that the licence in the present case has been granted in favour of the private respondent no. 7.

5. The respondent no. 7 applied against the FPS vacancy notice dated 16th November, 2022 on 2nd February, 2023. The physical enquiry of his godown and other credentials was conducted on 24th February, 2023. On the other hand, the FPS licence in favour of Nashrin Parvin was issued on 2nd January, 2024. Therefore, no relative of the respondent no. 7 had any FPS licence on the date of his application, i.e., on 2nd February, 2023 or on the date of physical enquiry, i.e., on 24th February, 2023 and consequently the application of the respondent no. 7 against the FPS vacancy notice dated 16th November, 2022 was a valid application and it was rightly considered by the respondents.

6. Thus, it appears that when the private respondent no. 7 was granted licence, no relatives of the said respondent had been granted any licence and, as such, the private respondent no. 7 cannot be disqualified as prayed for by the petitioner. The licence in favour of the relative of the respondent no. 7 was granted after the licence in favour of the respondent no. 7 had been granted.

7. The next contention of the petitioner is that a fraud has been committed as his signature in the withdrawal application has been forged. It appears that the petitioner has filed complaints before the appropriate authorities alleging the said facts and the said complaints are pending consideration by the authorities concerned. One of such application is dated 27.09.2023.

8. Accordingly, the writ application is disposed of with the direction that the respondent no. 4 herein shall consider the said complaints of the petitioner as made out in his complaint dated 27.09.2023 and proceed in accordance with law taking the assistance of other State authorities, if deemed necessary.

9. The writ application stands disposed of.

10. There will be no order as to costs.

11. Connected application, if any, stands disposed of.

12. Interim order, if any, stands vacated.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)