

07.07.2025
Sl. No. M/L 49
g.b.
Court No.24
266011

W.P.A. 11276 of 2025

Nirmalya Mishra
-Vs-
The State of West Bengal & Ors.

Mr. Saibal Kr. Acharya
Mr. Anindya Bose
Mr. Sourav Sunder Shee
.....For the Petitioner
Mr. Dipanjan Datta
Ms. Paramita Pal
.....For the State
Mr. Samiran Mandal
Mr. S. C. Dhara
.....For the Private Respondent

Petitioner applied for FPS licence in terms of vacancy notification dated 15th of May, 2024 issued by the Sub-Divisional Controller (Food & Supplies), Haldia. In terms of the said vacancy notification private respondent was granted licence. At present the private respondent is distributing the ration articles to the beneficiaries in terms of the said licence.

The petitioner has raised some objection against the candidature of the private respondent. By such one hearing notice was served by the Sub-Divisional Controller to the petitioner whereby

the petitioner was directed to appear on 7th of May, 2025.

It is the contention of the petitioner that due to serious illness he could not reach the office of the concerned Sub-Divisional Controller on the fixed date. Accordingly, he forwarded a mail to the authority to reconsider his case and to give him a time for further conduction of personal hearing. His mail was not replied. Hence this writ petition.

Learned counsel appearing on behalf of the State respondents submits that the respondent authority has conducted the selection process according to the procedure of law under relevant Control Order, 2013. On the basis of which the private respondent was selected being the most suitable candidate. Consequently licence was granted in her favour. Now the private respondent is distributing ration articles in terms of the licence.

Learned counsel for the State further submits that the concerned authority has considered the representation of the petitioner

and given him time for personal hearing. He could not appear.

Learned counsel for the private respondent submits that private respondent being the most suitable candidate was granted licence and there is no illegality in running licence.

Having heard the learned counsel for the parties and considering the entire issue involved therein it appears that the petitioner at present has not raised any question regarding granting of licence in favour of the private respondent. The petitioner approached this Court only on the issue that he may be given sufficient opportunity so that his personal hearing can be done by the concerned authority.

Having heard the learned counsel for the parties and considered the issue involved therein the instant writ petition is disposed of by directing the Sub-Divisional Controller (Food and Supplies), Haldia being the respondent no.5 of the instant writ petition to allow the petitioner his personal appearance before the authority which he was earlier granted. The petitioner is directed to

approach the authority coupled with the copy of the order within fortnight from date for fixing a date of personal appearance before the authority.

On such, the respondent no.5 shall provide the petitioner a sufficient opportunity of being heard through a personal hearing which should be fixed within six weeks from the date of receiving of such representation.

The respondent authority shall dispose of the personal hearing of the petitioner by passing a reasoned order within two weeks thereafter. The decision of the authority shall be intimated to the petitioner within a week.

I make it clear that this Court has not gone into the merits of the matter.

The respondent no.5 shall consider the representation of the petitioner according to law without being influenced by any observation of this Court.

Since no affidavits are exchanged between the parties, the allegations made in this writ petition are deemed not to have been admitted.

WPA 11276 of 2025 stands disposed of.

Urgent photostat certified copy oft his order,
if applied for, be supplied to the parties after
completion of all necessary formalities.

(Subhendu Samanta, J.)