

03.07.2025
Court No.13
Item No.15
pk

MAT 971 of 2025
CAN 1 of 2025

Gopinath Bera
Vs.
Utpal Dey and others

Mr. Debabrata Saha Ray, Sr. Adv.
Mr. Rahul Kumar Singh,
Md. D. Farooqui
... for the appellant.

Mr. Surojit Nath Mitra, Sr. Adv.
Mr. Ram A. Agarwala,
Ms. Nibedita Pal,
Mr. A. G. Mukherjee,
Ms. Nasrin Khatoon
... for the respondent no. 1.

Mr. Suman Sengupta
... for the State.

1. Affidavit of service filed in Court is taken on record.

2. The instant appeal is directed against an order dated 24th June, 2025 whereby the Single Bench has directed the maintenance of status quo in respect of licence against vacancy notification dated 10th May, 2024 at Debra Block of Paschim Medinipur.

3. It appears that the writ petition listed was on 23rd June, 2025 where counsel for the State was directed to obtain instructions, and service on the private respondent was dispensed with. No urgent reasons for

dispensation of service are indicated by the Single Bench. The matter was listed on the next day i.e. 24th June, 2025 when the impugned order was passed.

4. It appears that the Single Judge recorded the submissions of the State that the private respondent no. 5 in the writ petition, the appellant herein had secured the highest marks and the writ petitioner was ranked 3rd. Before this Court it is indicated that the appellant has obtained 71 marks and the writ petitioner/respondent stood 3rd with 51 marks in final assessment of the District Level Fair Price Shop Selection Committee. This should have been a ground for refusing interim orders.

5. There are no other facts or reasons recorded by the Single Judge except that the respondent no. 5 was successful in the selection process and the licence was about to be issued to him. The relevant facts of the case have not been dealt with or discussed in the impugned order.

6. This Court is of the view that the impugned order could not have been passed without assigning any reasons or discussing the facts and pleadings. There are no reasons whatsoever for interfering with the decision making process of the State.

7. Mr. Surojit Nath Mitra, learned Senior Advocate appearing for the respondent/writ petitioner submits

that there are several infirmities in the selection process and the appellant could not have been given the highest marks. Several allegations have been made against the decision making process undertaken by the State.

8. Having heard the learned advocates for the parties, this Court is of the view that the impugned order is devoid of any reason or discussion of relevant facts and cannot be sustained in law. The State shall proceed and complete the selection process.

9. It is, however, made clear that any decision taken by the State, shall abide by the final result of the writ petition.

10. Let affidavit-in-opposition be filed by the respondents in the writ petition within a period of two weeks from date peremptorily. Reply, if any, be filed within one week thereafter.

11. Parties shall be at liberty to mention the matter for early hearing before the Single Bench.

12. It is made clear that except the legality of the interim order-in-question, this Court has not entered into the merits of the rival claims of the parties and the Single Judge shall proceed to decide the writ petition independently on merits without being influenced by any observation made in the impugned order.

13. Accordingly, MAT 971 of 2025 is disposed of. Consequently pending application being CAN 1 of 2025 is also disposed of.

14. There shall be no order as to costs.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)