

ASR 71.  
Ct. no. 24.  
06.08.2025

**WPA 15632 of 2025**

**Firoja Parvin  
Vs.  
The State of West Bengal & Ors.**

**Mr. Pintu Karar  
Mr. Sabab Uddin Laskar  
....For the petitioners**

**Ms. Amrita Panja Moulick  
Mr. Biman Haldar**

Exception to the report filed by the respondent no. 5 be taken on record.

Petitioner is one of the applicants of a vacancy notification issued by Sub Divisional Controller, Food & Supplies, Malda on 13<sup>th</sup> May, 2024 for appointment of FPS dealer.

It is the contention of the petitioner that he is the most suitable candidate but the petitioner has selected another person. He has also challenged her rejection by the concerned authority.

Petitioner has made a written representation to the concerned authority but the authority concerned has not acted upon her representation.

Hence this writ.

During the course of hearing of the instant writ petition the Sub-Divisional Controller, Food & Supplies has submitted a short/brief history of statement of facts.

It appears from the report that five persons including the petitioners have applied for the license.

Out of five applicants, only three candidates namely Firoja Parvin (petitioner), Mumtaz Ali and Samad Sk. found to be eligible.

It is further reported that the petitioner Firoja Parvin though found eligible but was not considered as a most suitable candidates. The applicant namely Samad Sk. has recommended for the license as the most suitable candidate.

It is further reported that during the course of the proceeding the proposed shop-cum-godown of the petitioner as well as Samad Sk. was enquired by the concerned Inspector and they submitted a report.

On the report, it appears that Samad Sk. have ownership over the proposed godown but the petitioner Firoja Parvin is possessing proposed godown through a long term lease agreement.

Structure of roof of Samad Sk was made of concrete, but roof of Firoja Parvin is made up with tin without coating of any bitumen.

Regarding completeness of godown it is reported that Samad Sk godwon was completed in all respect but the godown of Firoja Parvin (petitioner) was incomplete as roof was made without coating of bitumen.

The report was placed before the concerned District Level Fair Price Shop Selection Committee. The

said committee after perusal of the report recommended Samad Sk. to be a most suitable candidate.

The report contain detailed enquiry report conducted by the enquiry officials of the concerned SCFS in respect of both the petitioners as well as Samad Sk.

Perused the report.

I have also perused the marks scored by the petitioner as well as Samad Sk. From the said sheet, it appears that the petitioner has scored 66 marks while recommended candidate namely, Samad Sk. scored 73 marks.

By filing an exception the petitioner has placed on record certain discrepancies in the reports and the assessment by the concerned authority regarding ownership of the selected candidate. The copy of LRROR of Khatian no. 2827 ( of Samad Sk.) was placed, learned counsel for the petitioner submits that the portion of area recorded under the same Khatian in plot no. 510 is not the area which covered the proposed shop-cum-godown of Samad Sk.

He further pointed out that the proposed shop-cum-godown of the petitioner is beside the PWD road but shop-cum-godown of Samad Sk. is not over the PWD road. He also pointed out that the plinth height as recorded by the enquiring officer is different, in the

enquiry report as well as the sketch map appended with the enquiry report.

Having heard the learned counsel for the parties and also considered the report and exception placed by the petitioner, it appears that the report is very much clear on the fact that the petitioner has scored less mark only due to the nature of ownership and incompleteness of godown at the time of inspection. The exception to the report has not disclosed anything before this court regarding the observation in the report. It has been proved that the present petitioner has a possession over the proposed godown through a long term lease. On the other hand, the selected person has personal ownership over the plot of land. The record of right, as placed by the petitioner showing the right of the selected person over the plots of land.

The area and the share of Samad Sk appearing in the LRROR cannot be calculated accurately to calculate the area possess by the Samad Sk. over the said plot of land. However, incompleteness of godown of the petitioner has no answer.

Under the above observation, I find no justification to entertain the writ petition.

The concerned authority has acted according to the law.

This court being a writ court is not the appellate authority over the decision or the order of the State respondent.

There may have some wrong recordings during the enquiry but such recordings cannot disentitle the selected candidate for getting license.

Moreover, no apparent arbitrariness or mala fide has been proved before this court.

Thus, I find no justification to entertain this writ petition.

Accordingly, this writ petition is disposed of.

**[Subhendu Samanta, J]**