

12.8. 2025
item No.43
n.b.
ct. no. 24

WPA 15883 of 2025

Subrata Ghosh

Vs.

State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. Debabrata Chakraborti,
..... for the petitioner.

Ms. Sonal Sinha,
Mr. Sourav Mondal,
..... for the State respondent.

Mr. Sabyasachi Chatterjee,
Mr. Pintu Karar,
Mr. Akashdeep Mukherjee,
Mr. Badrul Karim,
Mr. Sujit Samanta,
..... for the added respondent.

Affidavit of service filed by the petitioner be taken on record.

Petitioner applied for licence in terms of vacancy notification dated May 29, 2024 issued by the SCF & S, Ghatal. After complying with due formalities according to the Control Order, the concerned authority has issued offer letter in favour of the petitioner. Petitioner has deposited the required fees through E-Challan to the department, thereafter a licence was issued in favour of the petitioner on July 23, 2025.

It is the grievance of the petitioner that after issuance of such licence, the concerned authority has not made any allotment in favour of the petitioner. By such he could not start the business though the licence has already been granted. The petitioner seeks

necessary mandamus upon the authority, so that petitioner may start the business in terms of the vacancy notification.

Ms. Sonal Sinah, learned counsel appears on behalf of the State place on record a case history of the instant matter. The case history reflects:

“14.05.2025 : Following all procedure the Food & Supplies Department had approved as eligible candidate for FPS business in favour of Sri Subrata Ghosh.

15.05.2025 : As per departmental Guideline the SCF&S, Ghatal, Ghatal issued offer letter to the eligible candidate i.e; Subrata Ghosh. It is mentioned here that on that day this undersigned office received a complaint from Sukanta Chanak, Sekh Azizul Haque & Bushi Barik Ghosh who are other applicant of the said vacancy and they alleged that 1) the godown of the selected candidate was situated in different mouza and at a distance of 1.5km from the central location. 2) As selected person is the president of the co-operative societies, he cannot be an owner of FPS dealer.

23.05.2025: The DCF&S, Paschim Medinipur replied vide memo no.993/DCM(W)/MR/2025 date: 23.05.2025 that their complaint were not justified in accordance with vacancy notification vide Memo No.395/SCFS/GTL/2024 dated 29.05.2025.

28.05.2025 : Other applicants(Sukanta Chanak, Sekh Azizul Haque & Bushi Barik Ghosh) were further lodged a complaint and said that “According to the notification guidelines, the godown should be at least 01(one) feet height, the height of his godown has been wrongly shown as 2.5 feet. The height of our godown has been measured from the road. But the height of the godown of the person who was selected was not measured from the road or front side. So the whole process is not transparent. After proper investigation, the right person will be selected. After we complained on 27.05.25, today on 28.05.2025 the complainant JCP planted soil in front on the godown”.

12.06.2025 : After receiving the complaint, an enquiry had been done by a team consisting of SCF&S, Ghatal and Sub-Inspector(F&S), Ghatal and it was found that the plainth height from road level and ground level of the godown of Subrata Ghosh are 9”and 3’16” respectively. In addition to thaqt the said them measured the plinth height of the other present applicant on that day and it was observed that in case of measurement of the plinth height by the previous enquiry team, the plinth height of the godown of all the applicant was taken from

road level except Subrata Ghosh which was measured from ground level. This resulted in getting extra number over the other applicant in the selection process.

In view of the above context, all the report had already been sent to the higher authority and instruction had been short in this regard. This office is waiting for instruction of the higher authority for further course of action.

23.7.2025 : in compliance with higher authority instruction, today i.e. 23.7.2025 license was issued to Sri Subrata Ghosh.”

Ms. Sinha also replied in para 11 of the case history, which is written as follows:

“Para-11 : It is denied and argued that after receiving the complaint, an enquiry had been done by a team consisting of SCF&S, Ghatal and Sub-Inspector(F&S), Ghatal and it was found that the plinth height from road level and ground level of the godown of Subrata Ghosh are 9” and 3’16” respectively. In addition to that the said team measured the plinth height of the other present applicant on that day and it was observed that in case of measurement of the plinth height by the previous enquiry team, the plinth height of the godown of all the applicant was taken from road level except of Subrata Ghosh which was measured from ground level. This resulted in getting extra number over the other applicant in the selection process.

In view of the above context, all the report had already been sent to the higher authority and instruction had been short in this regard. This office is waiting for instruction of the higher authority for further course of action.”

It is the contention of the State authority that though the allotment has been granted in favour of the petitioner but due enquiry conducted by the concerned team. The entire matter was placed before the higher authority for necessary instruction, that is the reason, the allotment was not issued in favour of the petitioner.

Having heard learned counsel for the parties and also considering the grievance of the petitioner, it is true that licence has been issued in terms of the notification

in favour of the petitioner. The petitioner has deposited the entire requisite fees to run the licence. From the case history, as placed by the concerned department, it appears that the petitioner's business was stalled due to same complaint. However, the entire enquiry has done, the matter has been placed before the higher authority. The department should take appropriate steps promptly, so that the petitioner may run the business.

Under the above observation, the writ petition is disposed of with a direction the concerned authority to take a prompt decision within two weeks from the date of passing of this order.

Accordingly, the writ petition is disposed of.

The case history and para wise statement placed by the respondent authority be kept with the record.

Since no affidavit are exchanged between the parties, the allegation made in the writ petition shall be deemed to have been not admitted.

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

(Subhendu Samanta, J.)