

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Uday Kumar

MAT 1145 of 2025
With
CAN 1 of 2025

Renjuma Khatun
Vs.
The State of West Bengal and Ors.

For the petitioner : Mr. Shuvro P. Lahiri,
Md. Habibur Rahaman,
Mr. Rajesh Naskar.

For the State : Mr. Swapan Kr. Dutta, Ld. Sr. Adv & AGP,
Mr. Rajat Dutta.

Heard on : August 21, 2025.

Judgment on : August 21, 2025.

Sabyasachi Bhattacharyya, J.:

1. Affidavit of service filed today be kept on record.
2. The conspectus of the present appeal is limited. The petitioner applied for an FPS dealership. Initially, the said application

was rejected on the ground that the character of the land was recorded as “Sarak”.

3. The petitioner challenged the said rejection on the ground that the recording in respect of the said land was erroneous, which had been revealed from the relevant documents. The said previous writ petition, preferred against the prior rejection, was ultimately allowed, thereby directing the appropriate authorities to consider the application of the writ petitioner afresh.
4. However, upon such reconsideration, the respondent authorities now rejected the application on the ground that the requisite balance as per the vacancy notification was not there in the bank account of the petitioner on the date of the application for such dealership. The second writ petition was filed challenging such rejection, which culminated in a dismissal, which has been assailed in the present appeal.
5. Learned counsel appearing for the appellant argues that the learned Trial Judge committed a legal error in dismissing the writ petition in view of the principle as laid down in *Mohindar Singh Gill and Anr. Vs. Chief Election Commissioner, New Delhi and Ors.* reported at (1978) 1 SCC 405. It is submitted that once particular reasons are given for rejection by the

respondent authorities, such reasons cannot be subsequently supplemented by fresh reasons in the shape of affidavit or otherwise. By placing reliance on the expression “or otherwise”, learned counsel contends that such resiling from the earlier position and supplementation of a fresh reason is not permitted in any manner whatsoever.

6. It is, thus, argued that the respondent authorities could not have refuted the application of the petitioner in the second round on a fresh ground by supplementing the original ground of rejection.
7. Learned counsel appearing for the State opposes the arguments of the appellant and contends that paragraph no. 8 of *Mohindhr Singh Gill's* case, which was considered and quoted by the learned Single Judge in the impugned order, categorically recorded that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. However, it is contended that in the present case, since in the previous round of litigation, the writ court had directed a fresh consideration of the application of the appellant, all issues

were left open to be considered afresh. Hence, the respondents were justified in rejecting the application of the appellants on a ground as stipulated in the vacancy notification.

8. Upon hearing learned counsel, we find substance in the contention of the respondents.
9. *Mohindar Singh Gill's* judgment was rendered in the context of a challenge against a State action. Where the Executive rejects an application or chooses a certain course of action by assigning particular reasons, it cannot improve upon the said reasons, either by way of affidavit or otherwise, by supplementing or supplanting fresh reasons at the stage of a challenge against its action.
10. However, in the present case, the said proposition is not applicable simply because in the earlier round of litigation, the writ court had not restricted the scope of consideration only to the rejection on the ground of the classification of the land being incorrect but kept it open for the authorities to consider the application afresh on all grounds. The said previous order, in fact, was quoted in the impugned judgment by the learned Single Judge.

11. By such previous order, the writ court had directed that the concerned authority shall dispose of the representation of the petitioner and shall issue license in favour of the petitioner “if she otherwise appears to be suitable according to the provisions of law.”
12. Going by the said direction, the respondent authorities were justified, in accordance with the appropriate provisions of law and the clauses enumerated in the vacancy notification, in rejecting the application for FPS dealership of the appellant on a valid and justified ground.
13. On facts, there is no controversy that the appellant did not have the requisite amount in her bank account on the date of the application and as such, we do not find any illegality committed by the learned Single Judge.
14. Accordingly, MAT 1145 of 2025 is dismissed, thereby affirming the judgment and order dated July 14, 2025 passed in WPA 13372 of 2025.
15. CAN 1 of 2025 is accordingly disposed of as well.
16. There will be no order as to costs.

17. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)