

20.8. 2025
item No.18
n.b.
ct. no. 24

WPA 17334 of 2025

Osman Ali

Vs.

State of West Bengal & Ors.

Mr. Viraj Gupta,
Ms. Sonam Ray,

..... for the petitioner.

Ms. Sonal Sinha,
Ms. Rupsha Chakraborty,

..... for the State respondent.

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

The petitioner is a FPS dealer catering ration articles at Altapur-II Gram Panchayat under block Karandigh having godown located at Bilashpur under Sub-Division Islampur, District Uttar Dinajpur.

The petitioner challenged a vacancy notification dated March 7, 2025 issued by the SCFS, Islampur in respect of central location Ibrahimpur ICDS.

It is the contention of the petitioner that if anyone was appointed in terms of said vacancy notification, the business of the petitioner would be hampered. Petitioner has submitted in the writ petition that ration card population linked with the petitioner's FPS is more than ten thousand. In the instant writ petition, he has challenged the policy decision of the State issued by Director, DDP & S dated February 11, 2022 and March 28, 2023 wherein the Director, DDP&S has fixed the

number of DRC pollution to be retained by existing dealer, which is five thousand. The present petitioner is an apprehension that if the said notification dated February 11, 2022 and March 28, 2023 was given effect to, the DRC population of the petitioner would be reduced.

Ms. Sonal Sinha, learned counsel appearing on behalf of the State authority submits that the State of West Bengal had issued a policy guideline on September 3, 2021, wherein it has been stipulated that in case of population of FPS having card population between 10,000 to 12,000, around 3000-5000 cards of the existing FPS may be considered for de-tagging and to be clubbed with the de-tagged over populated card of any neighboring FPS(s) for declaration of suitable new vacancy.

Ms. Sonal Sinha, learned counsel further submits that the decision of the State regarding de-tagging of DRC population of the petitioner has yet to be taken, so the petitioner may be approach to the competent authority for desired relief.

Having heard learned counsel for the parties and on perusal the prayer made in the writ petition, it appears that the petitioner has challenged the policy decision of the State vide order of Director, DDP&S dated February 11, 2022 as well as March 28, 2023. The petitioner has not challenged the policy guideline of

the State dated September 3, 2021. It appears to me that the State has every opportunity to act according to the policy decision of 2021. It appears that the petitioner is under apprehension that his DRC population may be de-tagged by fulfilling new impugned vacancy notification. However, it appears that the entire writ petition was filed under apprehension, no decision of the authority has been challenged in the writ petition.

On that score, I think it necessary to refer the matter to the concerned Sub-Divisional Controller(F&S), Islampur being the respondent no.4 to redress the grievances of the petitioner.

Under the above observation, the instant writ petition is disposed of directing the petitioner to approach the respondent no.4 with a detailed representation regarding his grievances. The Sub-Division(F&S), Islampur shall dispose of the representation within six weeks from the date of making such representation after giving an opportunity of being heard to the petitioner.

The decision of the authority should be communicated to the petitioner within two weeks thereafter.

I make it clear that this Court have not gone into the merit of this matter, the respondent no.4 shall take independent view without being influenced by any observation of this Court.

Since no affidavits 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.)