

M/L 18
05.08.2025
Court. No. 19
pp

WPA 17891 of 2025

**Archana Jana
Vs.
The State of West Bengal & Ors.**

*Mr. Ram Anand Agarwal,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Nasrin Khatoon*

...for the petitioner.

*Mr. Supratim Dhar, Sr. Adv.,
Mr. Santimay Bhattacharya*

...for the State Respondents

Mr. Somnath Gangopadhyay

.... For the Respondent no.5.

1. The affidavit-of-service as filed in Court today on behalf of the writ petitioner is taken on record.
2. The subject matter of challenge in the instant writ petitioner is the order dated 01.08.2025 as passed by the respondent no.4/authority whereby and whereunder the licence of FPS dealer of the writ petitioner was terminated on the ground of alleged suppression of fact as well as alleged commission of fraud by the writ petitioner while obtaining licence.
3. At the time of hearing, Mr. *Ram Anand Agarwal*, learned advocate appearing on behalf of the writ petitioner draws attention of this Court at page 22 of the instant writ petition, being a copy of the relevant notification containing Notification and Date- Memo No.214/SCH/F/VACANCY/24 Date:1505.2024 and location of vacancy- Mouza-Man Chak Jalpai, Near Manu Chak Jalpai Primary School. It is submitted on behalf of the writ petitioner that pursuant to such

notification, the writ petitioner applied for FPS dealership in Mouza-Man Chak Jalpai, Near Manu Chak Jalpai Primary School, which was received by the respondent authority on 11.08.2024, as reveals from page 23 of the instant writ petition.

4. It is submitted by Mr. Agarwal that the respondent authorities thereafter conducted relevant inquiry and ultimately a licence to run a Fair Price Shop was granted to the writ petitioner, which is evident from page 40 of the instant writ petition.
5. Drawing attention to page 43 of the instant writ petition, being a copy of memo dated 06.05.2025, it is submitted by Mr. Agarwal that on the basis of a purported complaint, the respondent no.4/authority called the writ petitioner for personal hearing on 13.05.2025 wherein the writ petitioner participated. It is further submitted that the respondent no.4/authority thereafter passed an order dated 01.08.2025, which is under challenge, whereby and whereunder the writ petitioner's FPS licence was cancelled.
6. It is further submitted by Mr. Agarwal that prior to issuance of the order under challenge dated 01.08.2025, the writ petitioner was not served with any show-cause notice. It is further submitted that the writ petitioner was not given any opportunity to present her defence against the purported allegation as made before the respondent no.4/authority. It is further submitted that the respondent no.4/authority has failed to visualize the true implication of the provisions of Rule 45 (3) of the

West Bengal Targeted Public Distribution System (Maintenance & Control) Order 2024 as notified on 01.08.2024 in the official gazette of the Government of West Bengal.

7. It is further submitted on behalf of the writ petitioner that prior to passing of the reasoned order under challenge, no document was supplied to the writ petitioner.
8. It is thus submitted on behalf of the writ petitioner that since the respondent no.4/authority has acted contrary to the provisions of law and since the writ petitioner was denied the principle of natural justice prior to the passing of the order under challenge, immediate interference of this Court is required for staying the operation of the order under challenge as has been annexed with the instant writ petition at page no.46.
9. *Per contra*, Mr. Dhar, learned Senior Advocate appearing on behalf of the State in course of his submission also draws attention of this Court to the reasoned order dated 01.08.2025 as passed by the respondent no.4/authority which is under challenge before this Court. It is submitted that from the said order under challenge it would reveal that the respondent no.4/authority had come to a factual finding that the writ petitioner committed fraud upon the respondent no.4/authority for obtaining FPS Licence since she has shown plot no.387 as plot no.375.
10. It is further submitted on behalf of the State that on enquiry it was found that plot no.387 is classified as

Bastu in nature whereas plot no.375 is classified as JAL and in respect of the same no conversion had taken place as yet. It is thus submitted by Mr. Dhar in view of such correct factual finding there is hardly any scope to interfere with the order under challenge.

11. It is further submitted by Mr. Dhar that from the reasoned order under challenge it would reveal that the writ petitioner herself accepted her fault and/or wrong doing which has been recorded in the reasoned order.
12. Learned advocate appearing on behalf of the private respondent sought for an accommodation.
13. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that in the reasoned order dated 01.08.2025 the respondent no.4/authority find the followings:-
 - i) The writ petitioner had shown plot no.387 as plot no.375 by suppression of material fact for getting her selected as a rightful candidate.
 - ii) Plot no.375 is classified as JAL and in respect of the said plot no conversion took place as found in course of inquiry.
 - iii) The writ petitioner in course of hearing acknowledged her wrong doing on account of inadvertence.
 - iv) The respondent no.4/authority had granted opportunity of hearing.

14. In view of such factual position, the moot question arises for consideration before this Court whether the writ petitioner is at all successful in invoking the writ jurisdiction of this Court seeking interference with the said reasoned order dated 01.08.2025.
15. It appears to this Court that it is settled principle of law that sitting in a judicial review under the writ jurisdiction, this Court is not supposed to act as an Appellate Court and, therefore, in absence of any glaring illegality and/or perversity, there is hardly any scope to interfere with the factual findings as made by the authorities.
16. This Court has also noticed from the order under challenge that opportunity of hearing was given to the writ petitioner to substantiate her defence, if there be any. It appears that the respondent no.4/authority specifically recorded that the writ petitioner acknowledged the wrong doing as committed by her.
17. It further appears to this Court that the respondent no.3/authority also came to a factual finding that the plot no.375 is classified as JAL whereas plot no.387 is Bastu in nature and the respondent no.3/authority thus came to a finding that in order to facilitate her selection the writ petitioner had shown the said plot no.387 as plot no.375 basically

for misleading the respondent no.4/authority for her selection as FPS dealer.

18. This Court has also perused the provisions of Rule 45(3) of the said Control order, 2024. It appears to this Court that the said Rule 45(3) of the said order of 2024 deals with different cases where a dealer is found to be doing an act which is prejudicial to the interest of the beneficiaries tagged with Fair Price Shop.
19. As rightly pointed out by Mr. Agarwal, learned advocate appearing on behalf of the writ petitioner that the order under challenge dated 01.08.2025 is passed under the provisions of Clause 45(3) of the said order of 2024, however, this Court is of the considered view that mentioning of wrong clause will not dilute the fault of the writ petitioner especially when no material can be placed on behalf of the writ petitioner at the time of hearing that the decision making process of the respondent no.4/authority is vitiated for non-coonsideration of materials which are not on record.
20. In view of the aforementioned discussion, this Court thus finds no merit in the instant writ petition. The instant writ petition is devoid of any merit and is thus dismissed.
21. There shall be, however, no order as to costs.

22. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)