

26.8. 2025
item No.8
n.b.
ct. no. 24

WPA 18058 of 2025

Kalpana Das.

Vs.

State of West Bengal & Ors.

Ms. Nibedita Pal,
Ms. Sonam Ray,
Ms. Nasrin Khatoon,
..... for the petitioner.

Ms. Sonal Sinha,
Ms. Pratiti Das,
..... for the State respondent.

Petitioner applied for licence of FPS dealership as well as the Kerosene oil dealership under compassionate ground in respect of the licence carried by mother-in-law of the petitioner. Initially, the matter appears before this Court vide WP No. 6214(W) of 2017(Smt. Kalpana Das Vs. The State of West Bengal & Ors) by virtue of direction of a Co-ordinate Bench of this Court. The concerned authority has issued an offer letter in favour of the petitioner on April 21, 2025.

It is the contention of the petitioner that after issuance of offer letter, the authority concerned kept silence and no licence was issued in her favour. However, she came to know from the portal that through the licence was not issued in the name of petitioner but no such licence was issued physically.

Petitioner submits on the other hand, the authority concerned had already issued a new vacancy

notification being memo no.580/SCF/(Ch)/2025 dated June 9, 2025 in respect of self-same area. Petitioner filed this writ petition challenging the said vacancy notification as well as seeking necessary direction upon the authority to issue licence in favour of the petitioner in terms of offer letter.

Learned counsel appearing on behalf of the State authority submits that the authority concerned has already taken a decision regarding issuance of licence in favour of the petitioner, which would be issued very soon and the impugned vacancy notification alongside subsisting offer letter was noted as the procedural contradiction. Learned counsel for the State has handed over the written instruction of the authority. Let the written instruction be set out herein under.

“The petitioner, Smt. Kalpana Das, daughter-in-law of Late Promila Bala Das, an FPS dealer at Parampur, Ratua-II, Malda, applied for engagement on compassionate grounds under the WBPDS(M&C) Order, 2013, after the demise of the dealer. In 2017, she filed WPA 6214(W) before the Hon’ble Calcutta High Court, which directed that any action regarding the dealership be subject to the writ’s outcome. The FPS caters to the population of Nijgan Parampur. Following departmental instructions to notify long-pending tagged vacancies, a fresh vacancy proposal was initiated on 15.2.2024, approved on 20.02.2025, and vacancy notification vide Memo No.590/SCF(Ch)/2025, Vacancy ID:202400221302, was issued on 19.6.2025 for the same location, despite the matter being subjudice. However, before this, FPS and S. K. Oil offer letters (Memo Nos.298 & 299/SCF(Ch)/2025, both dated 21.4.2025) had already been issued to her, requiring compliance with deposit, license, and documentation formalities within 30 days. An inquiry conducted by the Area Inspector, Ratua-II, under Memo No.580/SCF(Ch)/2025 dated 19.6.2025, confirmed verification of the premises, infrastructure suitability, and compliance with the WBTPDS (M&C) Order, 2024, and the

Kerosene Control Order, 1968. The continuation of the vacancy notification alongside subsisting offer letters was noted as a procedural contradiction, and it was proposed to cancel the vacancy notification so that the tagged population could be assigned to the petitioner, subject to the final adjudication of WPA 6214(W).

It is also noted that every procedure at the DEO and DA level relating to the issuance of the FPS license was duly completed; however, due to a technical glitch, the final issuance could not be processed. The Food & Supplies Department was informed of the same, and once the issue is resolved, the license will be delivered accordingly.”

Having heard learned counsel for the parties and also considering the instruction of the respondent authority, it appears to me that the respondent authority has admitted that there are procedural contradiction in issuance impugned vacancy notification dated June 19, 2025, hence there is nothing left in the writ petition to determine.

As the respondent authority has already taken a decision to issue license in favour of the petitioner, the authority concerned is directed to issue the same within a fortnight from date.

Under the above observation, the writ petition is disposed of.

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.)