

18.11.2025
Ct. No. 30
S.L. No. 15
SM

WPA 19254 of 2025
Johorul Islam
Versus
The State of West Bengal & Ors.

Mr. Rajendra Banerjee
Mr. Souvik Ganguly
.....for the petitioner
Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das
Mr. Sankha Biswas
.....for the private respondents
Mr. Swapan Kr. Dutta, Ld. G.P.
Mr. Joyak Kr. Gupta
.....for the State

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondents to cancel the impugned rejection of petitioner's candidature and to reconsider his case afresh strictly in accordance with law, by a comparative, parameter-wise assessment on the settled criteria (area, height, proximity to the notified centre, and beneficiary convenience) and by issuing a reasoned order.
3. It is the case of the petitioner that the private respondent no. 9 has been granted licence but it is not in accordance with law.
4. It is further submitted that the petitioner is a better candidate having better qualification to obtain the licence but the authorities concerned who have acted not in accordance with law have issued the licence in favour of the respondent no. 9 and hence

the writ application. A representation filed by the petitioner is also part of the record.

5. Learned counsel for the respondent no. 9 has opposed the submission of the petitioner herein and submits that the vacancy notification was issued on 13.06.2024 and as such is governed by the Control Order of 2013.

6. Learned counsel for the petitioner submits that though he has applied for the said licence as per the vacancy notification dated 13.06.2024, his case should be considered as per the control order which came into force on 01.08.2024 wherein Clause 2 (xa) has been deleted by the said amendment.

7. It appears that admittedly the petitioner's uncle has a fair price shop licence and considering the said fact the petitioner is disqualified to get a licence in view of Clause 2 (xa) (v) of the Control Order 2013.

8. Considering that the vacancy notification relates to the Control Order of 2013, Clause 2 (xa) of the Control Order of 2013, is applicable to the petitioner's case. The Control Order of 2024 is not applicable to the petitioner's case.

9. As such, the petitioner was disqualified in the preliminary round itself.

10. The next contention of the petitioner is that there is a criminal case pending against the petitioner.

11. It appears that the offence alleged by a private complainant in the said FIR relates to offences under the Indian Penal Code.

12. Learned counsel for the private respondent has brought the notice of this Court to Clause 9 (iv) under part 3 of the vacancy notification which is as follows.

“(iv) A person convicted by the Court under the EC Act or in any other criminal proceedings connected with Essential Commodities.”

13. In the present case admittedly the offence alleged is not under the Essential Commodities Act and as such this Court finds no reason to interfere with the licence granted in favour of the respondent no. 9.

14. Considering these facts, the writ petition having no merit stands dismissed.

15. Applications, if any, connected thereto stand disposed of consequently.

16. Interim order, if any, stands vacated.

17. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]