

ASR 19.
Ct. no. 24.
25.02.2025

WPA 24787 of 2024

Satyan Barman
Vs.
State of West Bengal & Ors.

Mr. Himadri Sekhar Chakraborty
Ms. Priyanka Chandra

.....For the Petitioner

Ms. Sonal Sinha
Ms. Ashmita Chakraborty

...For the State

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

Petitioner applied for FPS license in terms of vacancy notification no. 624 dated 17th November, 2022 issued by the concerned Sub Divisional Controller (Food & Supply).

After application being submitted, the proposed shop-cum-godown of the petitioner was inspected firstly on 10th February, 2023, thereafter, again on 24th May, 2023, thirdly on 21st July, 2023. After such inspection no final decision was taken by the authority. Thereafter suddenly the petitioner came to know from the portal that his candidature was rejected. The authority concerned has not demonstrated any reason for rejection so he filed the writ petition.

The respondent no. 1 to 5 submits a report in the form of affidavit containing, inter alia, that total nine (9) applicants had applied for FPS license, but none of them, including the petitioner could fulfil all eligible criteria, as a result none of the applicant deem eligible for the FPS license.

It is further contention of the learned counsel for the State that since no applicant was found eligible, the concerned authority had recommended that the vacancy may be notified.

Learned counsel for the petitioner submits that no reason has been assigned by the State authority regarding rejection of his candidature. He places the necessary pages of the report and submits that the Inspecting Officer after enquiry has found the case of the petitioner to be eligible. He further submits that the decision of the authority is perverse and not reasonable. So, he prayed for necessary order, so that, the license may be granted in his favour.

Having heard learned counsel for the parties and considering the report as well as the inspection report filed by the petitioner it appears to this court that the concerned authority has taken decision that none of the candidates have fulfilled the eligible criteria. However, regarding the present candidature of the present petitioner is concerned, it from appears to the report that the inspector has depicted his finding that the case

of the petitioner is eligible. The petitioner may be ineligible in other aspect, such fact or the reason has to be specifically dealt with the concerned SCF&S.

Under the above observation, the instant writ petition is disposed of with a direction to the concerned SCF&S being the respondent no. 4 of this writ petition to take a reasoned decision as to why the candidature of the present petitioner was not considered. The present petitioner is directed to approach the concerned SCF&S with a specific application coupled with a copy of this order. The concerned SCF&S shall take a reasoned decision within 6 weeks from the date of submission of the application by the petitioner by giving of a reasonable opportunity of being heard to the petitioner and shall intimate the decision to the petitioner within two weeks thereafter.

I make it clear that the merit of decision of the authority, so arrived at, has not entered into by this court during hearing of the instant writ petition. It is only at the domain of the concerned SCF&S to assign the reason for not considering the candidature of the petitioner.

Since no affidavits are exchanged, the allegation made in the writ petitioner shall be deemed to have been not admitted.

[Subhendu Samanta, J]