

14.1.2025
SL No.6
Court No.24
Ali

WPA 26407 of 2022

**Bishal Gupta
Versus
State of West Bengal & Ors.**

Mr. Prosenjit Mukherjee,
Mr. Saptashi Chakraborty

....for the petitioner.

Mr. D. Saha Roy, Adv.
Mr. Subhankar Das, Adv.

...for the respondent No. 9.

Mr. T.M. Siddiqui,
Mr. Subhendu Sen Gupta

.....for the State respondent.

The instant writ petition was filed by the petitioner challenging the selection of the private respondent for issuance of Fair Price Shop dealershiup in respect of vacancy vide notification No. 125/SCFS/Rampurhat/2022 dated 3rd March, 2022.

It is the brief fact of the petitioner that he applied for the licence in respect of the said vacancy notification but the private respondent in collusion with the state respondent procured the licence. It is the allegation of the petitioner that most of the family members of the private respondent are government employees and working in a prestigious post having sufficient salary and the elder son-in-law of the private respondent is a ration super dealer within the area of Nalhati. He also alleged

that one of the daughter of the private respondent had married with one ration dealer.

The private respondent appeared in this matter and filed the affidavit-in-opposition against the writ petition. The state authority also filed a report in the form of affidavit.

During the course of hearing it has been vehemently opposed by the private respondent that the petitioner had imputed the allegation in the writ petition against his sister who is still unmarried but the writ petitioner has stated in the writ petition through affidavit that unmarried lady had given marriage.

On considering the gravity of the allegation this court has conducted the hearing on camera.

Having heard the learned counsel for the parties also considering the materials in the writ petition, it appears that the writ petitioner challenges the selection of the private respondent in respect of vacancy notification No. 125/SCFS/Rampurhat/2022 dated 03.03.2022. The State authority has submitted a report and has annexed the notification at page-13 (annexure R-2). The impugned vacancy notification detailed about the location of the vacancy as Ward No. 5, Bara Post Office Para, Ward No. 5, Post Office & Police Station-Nalhati, District-Birbhum.

Annexure P-3 of the writ petition is a document which is the information of concerned authority to the petitioner in respect of the enquiry at the proposed shop-cum-godown of the petitioner in respect of the FPS vacancy for vacancy ID No. 202200225102 at vacancy location Haridaspur near Durgamandir.

The said notification was placed by the state at their affidavit as annexure R-1. The annexure R-1 is vacancy notification No. 10/SCFS/RHAT/2022 dated 6th of January, 2022 in respect of the location of Haridaspur near Durgamandir. Annexure P-3 (page-34) of the writ petition is an intimation of the authority concerned to the petitioner informing him about the date of enquiry in respect of vacancy at near Haridaspur near Durgamandir (vacancy ID No. 202200225102). The state authority has also placed on record the receipt of payment regarding the application fees of the petitioner dated 18th of May, 2022. The receipt is also depicted the vacancy notification No. 10/SCFS/RHAT/2022.

Document shows that the petitioner has applied for the vacancy notification No. 10/SCFS/RHAT/2022 while the petitioner challenges the selection of the private respondent in respect of vacancy bearing notification No. 125/SCFS/Rampurhat/2022 dated 03.03.2022.

Learned counsel for the petitioner submits that the petitioner has applied for the said vacancy through offline mode by placing a sealed cover application at the office of the concerned SCFS. He placed a copy of the said application with this writ petition at page-31 (P-2). It appears from the copy that this application is undated and no document is placed with the said copy of application when it was received. Rather, the receipt of application and fees for the said application is, in respect of 10/SCFS/RHAT/2022. The state also submitted a report containing, inter alia, that the petitioner has applied for different vacancy notification and private respondent was selected for another vacancy notification no. 125/SCFS/Rampurhat/2022 dated 03.03.2022.

Considering the same aspects, it appears to me that the petitioner who have never applied for the vacancy notification 125/SCFS/Rampurhat/2022 dated 03.03.2022, has no locus standi to maintain this writ petition.

However, the allegation raised by the petitioner against the daughter of private respondent and the affidavit-in-opposition against the allegation more so, affidavit-in-reply against the said opposition, filed by the petitioner is not taken into consideration by this court.

Accordingly, I find no merit to entertain the instant writ petitioner.

Under the above observation, the writ petition being **WPA 26407 of 2022** is dismissed and disposed of.

All connected applications, if any, stand disposed of.

Interim orders, if any, stand vacated.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)