

25.2.2025
SL No.20
Court No.24
Ali

WPA 27306 of 2025

**Tajimuddin Sk.
Versus
The State of West Bengal & Ors.**

Mr. Debabrata Saha Roy, Sr. Adv.
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das
.....for the petitioner.

Mr. Suman Sengupta, AGP,
Ms. Amrita Panja moulick
.....for the state.

Petitioner applied for FPS licence in terms of vacancy notification No. 1381/SCFS/BER/2022 dated 27th December, 2022 issued by the Sub-Divisional Controller (F & S), Berhampore (Sadar).

Petitioner filed the application, his proposed shop-cum-godown was inspected, he was called for in an interview by the concerned District Fair Price Shop Selection Committee. But, thereafter, no decision was taken by the authority. However, he filed an application under Right to Information Act wherein the Sub-Divisional Controller (Food & Supplies), Berhampore (Sadar) has replied on 24th September, 2024 as follows:

"As to Query No. 4: Photocopy of medical certificate of all the 14 applicants are attached herewith.

As to query No.5: No, none of the candidates have been finally recommended for granting licence against the said vacancy f Fair price Shop.

As to Query No.6: None of the 14 candidates have been recommended. The said vacancy is expected to be renotified".

Thereafter, on 26th of September, 2024 in terms of another query the authority concerned has answered as follows:

"Query No.5: That the mentioned vacancy ID (202200224502) is currently under process.

Query No. 6: That the mentioned vacancy ID (202200224502) is currently under process".

Mr. Saha Roy, learned counsel appearing on behalf of the petitioner submits that the authority concerned has not taken note of the entire procedure vacating, but had issued two answers which are contradictory to each other. He submits that petitioner pleaded in the writ petition that the proposed shop-cum-godown of the petitioner is very near to the vacancy location, though, it is falling within the same Mouza but it is within J.L. No. 118. The concerned authority must

have rejected his candidature on that ground. However, no order of rejection has been passed.

Learned counsel appearing on behalf of the State authority submits that there are 14 candidates, none of the candidates have been finally recommended for granting licence in respect of the said vacancy of Fair Price Shop. However, the issue was not finally decided and it was placed before the upper authority.

Having heard the submission of the learned counsel for the parties; it appears to me that the authority concerned had to act upon the tender procedure and the tender notice strictly in terms of provisions of WBPDS (M&C) Order, 2013. However, the decision of the authority was not properly intimated. Moreover, RTI replies raised confusion upon the mind of the petitioner.

Under the above observation, I think it necessary to relegate the matter before the learned Director, District Distribution Procurement & Supply, F&S Department, Government of West Bengal being respondent No. 3 to take a reasoned decision on that point.

The petitioner is directed to approach the respondent No. 3 with a proper representation within two weeks from the date of passing of this order, on such representation the respondent No.

3 shall dispose of the representation after giving a reasonable opportunity of being heard to the petitioner within six weeks. Decision of the authority shall be intimated to the petitioner within two weeks thereafter.

Accordingly, the writ petition being **WPA 27306 of 2024** is disposed of.

As the affidavits are not exchanged, the allegation made in the writ petition shall be deemed to have been not admitted.

This Court has not gone into the merits of this matter; the concerned respondent No. 3 is at liberty to dispose of the application of the petitioner, according to the law, without being influenced by any observation of this Court in this writ petition.

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

(Subhendu Samanta, J.)