

18.2. 2025
item No.23
n.b.
ct. no.24

WPA 29658 of 2024

Md. Aslam
Vs.
State of West Bengal & Ors.

Mr. Syed E. Huda,
Mr. S, Aptabuddin,
Ms. Nabeela Akbar,
..... for the petitioner.
Mr. Sirsanya Bandopadhyay,
Mr. Ritesh Kr. Ganguly,
.... For the State.

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

It appears that from the affidavit of service that running of the proceeding against the issuance of licence upon Md. Anwar Ali(respondent no.6) by the concerned department is under challenge. From the affidavit of service, it appears that the registered consignment was delivered upon the respondent no.6.

Despite service, none appears on behalf of Mr. Anwar Ali(respondent no.6).

It is the contention of Mr. Ganguly, learned counsel appearing on behalf of the State, that concerned SCFS has issued a notice upon the respondent no.6. But after receiving the notice did not turn up. The respondent n.6 has also not handed over any resignation letter, what he suppose to file before the submission of his application.

Mr. Ritish Ganguly, learned advocate appearing on behalf of the State submits that the respondent no.6 has applied for licence while he has an elected member of Panchayat Samity. The supplementary affidavit of the petitioner proved the fact that the respondent no.6 was an elected as a member of the Panchayat Samity under Panchayat General Election 2018.

It is the contention of the learned counsel for the State authority that the respondent no.6 has suppressed the matter at the time of filing the application. Accordingly, licence issued in his favour required to be cancelled.

Considering the entire circumstances, it appears to me that concerned respondent authority, though have issued the licence in favour of the respondent no.6 in terms of an affidavit of the respondent no.6 at the time of the application, where he has disclosed that he is not a member of any local body, local authority or Panchayat Raj institution. The entire fact suggests that the concerned authority was mis-guided by respondent no.6 to issue licence.

Under the above observation, it is ordered that the licence issued in favour of the respondent no.6 by the concerned authority is hereby cancelled. The authority is directed to issue the order of cancellation promptly.

After issuance the order of cancellation, the concerned respondent authority shall proceed with the

vacancy notification according to law by disposing of the representation of the petitioner within six weeks from the date of passing of this order after giving him an opportunity of having heard, the decision of the authority shall be intimate to the petitioner within two weeks thereafter.

Accordingly, the writ petition is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)