

S/L 19
15.05.2025
Court No.2
SD

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION

WPA 1063 of 2025

Sabita Rani Singha

Vs.

The State of West Bengal & Ors.

Ms. Nabeela Akbar
Mr. S.K. Aptabuddin
Mr. Avimannu Das

...for the Petitioner.

Mr. Hirak Barman
Mr. Bikash Singha

...for the State.

The petitioner is a fair price shop (FPS) dealer; her area of operation is village Morebhanga under PS- Sitalkuchi, District: Cooch Behar.

The petitioner is challenging the notice of the Food and Supply Department of Government of West Bengal dated February 19, 2025 whereby applications have been invited for filling up the vacancies of the FPS dealership under the West Bench Targeted Public Distribution System (Maintenance and Control) Order, 2024.

Ms. Nabeela Akbar, learned advocate for the petitioner, referring to an order of the Food and Supply Department dated February 11, 2022, submits that the said order prescribes a guideline for rationalization of excess ration card population of existing FPS, in terms thereof, the petitioner is entitled to a card population of 6500. The petitioner, at present, has half of such card population, as such, the opening of new FPS within her area of operation would affect the business of the petitioner. She further submits that the petitioner apprehends that her present card population would be reduced to cater to the new FPSs.

Mr. Barman, learned advocate for the State, submits that he has instructions from respondent no.4 to submit that the existing cardholder of the petitioner would not be de-tagged to cater to the new FPSs. He further submits that the said guideline prescribes the maximum number of card population a particular FPS can hold.

Heard learned advocate for the parties, perused the materials on record.

The existing card population of the petitioner would not be reduced with the opening of new FPSs, as it appears from the submission of Mr. Rahman. The guideline prescribed under the aforementioned order of the Food and Supply Department prescribes the procedure for the rationalization of the card population. It suggests that a FPS dealer can hold a maximum card population of 5000-6500; it does not prescribe any minimum number, therefore, the challenge to the notice dated February 19, 2025, cannot be sustained. However, the authority shall not reduce the existing card population of the petitioner to cater to the new FPSs.

WPA 1063 of 2025 is disposed of with the above direction without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)