

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

15
28.07.2025
Ct. No. 2
adeb

WPA 1520 of 2025

**Giren Barman & Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. Jagriti Mishra
Ms. Mrinmayee Das**

..For the Petitioners

**Mr. Subir Kumar Saha, Ld. AGP
Mr. Pretom Das**

...For the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Three villagers have approached this Court, *inter alia*, challenging a notification creating a vacancy for Fair Price Shop (FPS) dealership by the concerned State respondents dated 21st May, 2025. In reference to this vacancy notification dated 21st May, 2025 it is submitted by Mr. Jagriti Mishra, learned advocate representing the petitioners that proposed site of FPS dealership is at Maghpala for service area Kasiabari, Kathalbari and Rajpur, District-Coochbehar. Petitioners pray for issuance of direction upon the concerned State respondents to shift the site of proposed FPS as notified on 21st May, 2025 from Maghpala to any of the places at Kasiabari or

Kathalbari or Rajpur which would be convenient so far petitioners are concerned to lift ration articles.

3. State respondents are represented by learned advocate and has questioned locus of the petitioners since they are not affected by the notification dated 21st May, 2025 creating vacancy for FPS dealership. Drawing notice to a document at pages 28 to 34 of the writ petition it is also submitted that though an attempt has been made to file a mass petition signed by villagers but there is nothing on record from which it can be ascertained that mass petition was submitted before the concerned authority for consideration.
4. Based on the materials available on record it cannot be inferred that petitioners or similarly circumstanced villagers approached District Controller, Food & Supplies being respondent no. 3 for creating a vacancy at a place which is nearer to the place of residence of the petitioners/villagers. Therefore, in absence of necessary particulars and materials at this stage no direction can be given upon respondent no. 3 to reconsider the vacancy notification issued by Sub-Divisional Controller, Food and Supplies Department, Coochbehar dated 21st May, 2025.
5. Hence, writ petition stands dismissed.
6. However, this order shall not preclude the petitioners to approach respondent no. 3 for taking decision to notify a vacancy for FPS dealership at a site which is

nearer to the place of residence of the petitioners. If any representation is made Court expects that same shall be considered in accordance with law by the respondent no. 3.

7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertaking.

(Saugata Bhattacharyya, J.)