

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

03 20.1.2025
Sc Ct. no. 2

WPA 2590 OF 2024

Md. Ekramul

Vs.

The Secretary, Ministry of Food and
Supplies Department & Ors.

Mr. Shubhankar Dutta
Mr. Soumyadeep Paul
Mr. Somdutta Patra
Mr. Swagata Mitra.

....For the Petitioner

Mr. Subir Kumar Saha, AGP
Mr. Sumit Kumar.

....For the State

Affidavit-of-service, filed in Court today, is
taken on record.

Mr. Shubhankar Dutta, learned advocate
appears for the petitioner.

Mr. Sumit Kumar, learned State Advocate led
by Mr. Subir Kumar Saha, learned Additional
Government Pleader appears for the respondents
State.

The petitioner was an aspirant for obtaining
licence to run a Fair Price Shop. A notice for joint
inspection was served upon the petitioner when the
joint inspection as fixed on **May 14, 2024 at 11-
00 a.m., Annexure-P2 at page 18** to the writ
petition.

In course of the hearing today the learned Additional Government Pleader has placed a bunch of documents, which is taken on record. Copy of the same set of documents has been made over to the learned Advocate for the petitioner in Court today. The document at **page 6** to the said bunch of documents shows that, the necessary physical inspection was carried out on **May 14, 2024** in presence of the petitioner and the joint inspection note has been signed both by the petitioner and the jurisdictional Area Inspector (F & S). A detailed measurement of the shop room and all other situation of the shop room were noted down there. Thereafter the petitioner was called upon for a personal interview with relevant document and the interview was scheduled on **July 4, 2024, Annexure-P7 at page 19** to the writ petition. The application of the petitioner was rejected and the online intimation was placed on the official website, **Annexure-P5 at page 53** to the writ petition.

The bunch of documents made over to the this Court and relied upon on behalf of the State, as referred to above, shows the reasons for rejection as mentioned in the communication dated **January 6, 2025**, issued by the jurisdictional **Sub-**

Divisional Controller (F & S), Siliguri are as follows :

- “1. Shop floor was partially completed and the work was running at the time of enquiry. Window of shop counter was not fitted as on date of enquiry. Hence it was treat as incomplete shop as per enquiry report. But as per notification No.132/SCFS/SLG/2024, Dated – 12.02.2024, the applicant applying against a vacancy of Fair Price Shop must have a suitable Shop-cum-Godown (ready shop cum godown on the date of enquiry as per Notification **Part-2, Point no.-8 (v-c). (Annexure-1).**
2. Plinth height of the proposed godown (Compartment – 1) was less than 2 feet from road or ground level which violating eligibility criteria as mentioned in the said Notification **Part – 2, Point No – 8 (iv)(d). (Annex – 1).**
3. On the date enquiry (14.05.2024) and date meeting (04.07.2024) of District Level Fair Price Shop Selection Committee (DLFPSSC) of Darjeeling District Applicant had given his consent that Plinth height of his proposed godown (compertment no – 1) was less than 2 feet which should be above 2 feet minimum as per norms. The applicant also agreed that floor and window of proposed shop counter was incomplete as on date of enquiry (14.05.2024) **(conscent at the time of enquiry – Annex – 2) (conscent at the time of DLFPSSC meeting – Annex – 3)”**

After hearing the rival contentions of the parties and upon perusal of the materials on record, this Court is satisfied that, sufficient reasons are mentioned for rejection, which were found during the joint inspection of the concerned premises. The reasons being the result of the fact

finding inquiry, this Court shall not interfere with the same as no contrary material to controvert such fact finding inquiry was produced before this Court by the parties.

In view of the above, this Court is of the view that, this writ petition is devoid of any merit. Accordingly, **WPA 2590 of 2024** stands ***dismissed***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)