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ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

ORIGINAL SIDE

WPO/165/2025

KISHOR SING

VS

THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE SUBHENDU SAMANTA

Date: 7th March, 2025

Appearance:
Mr. Ramesh Dhara, Adv.
Mr. Gourav Banerjee, Adv.
...for petitioner.
Ms. Sonal Sinha, Adv.
Mr. Amritlal. Chatterjee, Adv.
Ms. Shabnam Farooqui, Adv.
...for State respondents.

The Court: Petitioner applied for a fresh licence in terms of vacancy notification no.1029/SCFS/ISP/2022, dated October 18, 2022, issued by the Department of Food and Supplies, Government of West Bengal.

It is the submission of Mr. Ramesh Dhara, learned Counsel appearing on behalf of the petitioner that in terms of the application, the petitioner was instructed by the authority, and an enquiry was conducted on 14th March, 2023 with regard to proposed shop-cum-godown of the petitioner. The concerned electronic portal of the department dated 19th September, 2024 disclosed the name and status of the candidature of the applicant to be 'approved'.

It is the further contention of the petitioner that after approval of the candidature of the petitioner he was asked by the department whether any relative of the petitioner is holding the FPS licence or not. On such query he wrote a letter to the concerned SCFS on 6th of February, 2025 stating that no relative of the petitioner is holding any FPS license. However, suddenly it appears in the portal that the status of the present petitioner is shown as “rejected”.

Mr. Dhara submits that the act and action of the concerned authority is not beyond reasonable doubt, they rejected the candidature of the petitioner without assigning any reason. He prayed for necessary direction upon the authority to submit a report and prayed for quashing of the decision of the authority.

Ms. Sinha, learned Counsel appearing for the State respondent submitted on instruction that one Mr. Nutan Saha, one of the applicants of the said vacancy notification, has made a complaint to the Sub-divisional Controller, Food and Supplies, Islampur that one of the relatives (uncle) of the present petitioner is holding FPS licence. On the basis of such complaint, an enquiry was conducted which resulted in the fact that uncle of the petitioner namely, Pritam Sing, is a ration dealer having licence no. 133001200036. On the basis of that enquiry, the authority has taken note of the affidavit shown by the present petitioner wherein he has disclosed that none of the family members are dealer or having wholesale license. For the

said reason the concerned authority has rejected the candidature of the present petitioner.

Having heard the learned Counsel for the parties and also perusing the written instruction, it appears that the concerned authority has intimated to the petitioner through portal that his candidature was “approved” initially; however, suddenly the said portal disclosed that the candidature of the petitioner was “rejected”.

The portal is a platform wherein fate of the candidature was fairly disclosed by the authorities in short text. Authorities are duty bound to disclose the reason if there is a representation from any of the candidates. The petitioner has not filed any representation enquiring any reasons for which the candidature of the petitioner was rejected.

However, considering the entire facts and circumstances, it appears to the authorities that the uncle of the petitioner namely, Pritam Sing, was running FPS license at the time when the present petitioner applied for the licence. Mr. Dhara fairly admits the fact during argument.

In terms of the provisions of Clause 2 (Xa) of WBPDS (M & C) Order, 2013, it appears that at the time of filing application one of the relatives of the petitioner, i.e., petitioner’s father’s brother was holding a FPS licence, and accordingly, the present petitioner is an ineligible person to apply for the licence.

It is true that the authority concerned has initially approved the candidature of the petitioner. The same intimation through portal in favour

of the petitioner does not ipso facto give rise to any right to the petitioner to claim for the licence. The petitioner was all along ineligible to file the application according to the provisions of the West Bengal Public Distribution System (Maintenance and Control) Order, 2013. Moreover, during enquiry he has stated falsely before the authority that none of his relatives is holding licence; more so, his affidavit at the time of filing application is incorrect.

Under the above observations, I find no justification to entertain the instant writ petition.

The writ petition is dismissed as devoid of merit.

(SUBHENDU SAMANTA, J.)