

OD-4

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/683/2025

ROCKY SHAIKH
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE SUBHENDU SAMANTA

Date : 4th September, 2025.Appearance:

Mr. Ramesh Dhara, Adv.
Mr. Gourav Banerjee, Adv.
..for the plaintiff.

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

Petitioner applied for licence of FPS in terms of the vacancy notification dated 24th November, 2023. Initially his proposed shop-cum-godown was not inspected. He approached this Court by way of a writ petition being WPA/2550 of 2025 challenging the inaction of the respondent authorities. During the pendency of the said writ petition, he received a notice from the department that his proposed shop-cum-godown would be inspected on 14th February, 2025. On receiving such information/notice, the earlier writ petition was disposed of directing the authority concerned to proceed to fill up the vacancy.

It is the contention of the petitioner that the proposed shop-cum-godown of the petitioner was inspected on 14th February, 2025. Thereafter, again the authority concerned surprisingly, came to the godown of the petitioner without any notice on 27th April, 2025 and requested the petitioner to allow them to take some photographs of the godown on the plea that the photographs taken earlier regarding the godown of the petitioner were deleted. The petitioner allowed the said officers to take photographs of the godown. When the petitioner approached the office of the concerned District Controller since no notice for interview was received, he came to know that the District Controller on the basis of the report of SCF&S, without considering the enquiry report of the petitioner's godown dated 14th February 2025, directed the concerned Authority for seeking approval for re-notification. He made a written representation to the Authority concerned on 5th August, 2025. The representation was not considered but the candidature of the petitioner was rejected as reflected in the Govt. portal on 20th August, 2025.

Learned Counsel for the petitioner further submits that the petitioner's prayer made in the representation was rejected without at all considering the same. Hence, the instant writ petition.

In spite of service, none appears on behalf of the respondent authority.

Considering the entire situation, it appears that the petitioner has approached the authority to consider his representation but the

respondent authority has rejected the same without considering the same and without giving a hearing to the petitioner. Thus, he may be given an opportunity of hearing regarding reasons for rejection of his candidature.

Accordingly, the instant writ petition is disposed of with a direction to the Director, DDP&S, Food Supplies Department, Government of West Bengal, respondent no. 3 of this writ petition to consider and dispose of the representation of the petitioner, dated 5th of August, 2025 (Annexure 5 to the writ petition) within eight weeks from the date of communication of this order, in accordance with law, after giving a reasonable opportunity of hearing to the petitioner.

The decision of the Authority shall be communicated to the petitioner within two weeks, thereafter.

With the above observation, the instant writ petition is disposed of.

Since no affidavits are exchanged between the parties, allegations made in the writ petition should not have been admitted.

(SUBHENDU SAMANTA, J.)