

25.2.2026
Item no. 29
Court no. 10
g.b.

WPA 517 of 2026

Mohirul Haque
Vs.
The State of West Bengal & Ors.

Md. Mansoor Alam
Md. Asjad Mansoor
..... For the Petitioner

Mr. Sambuddha Dutta
Mr. Ritesh Kr. Ganguly
....For the State

Affidavit of service filed in court today is taken on record.

None appears on behalf of the private respondent, despite service.

The petitioner in the instant case challenges, inter alia, the issuance of the licence granted in favour of the private respondent by the authority concerned.

The petitioner submits that already an on-line application has been made against the vacancy notice issued for grant of licence of a fair price shop dealership. Subsequently, an inspection has been conducted by producing all the relevant documents in original on 01.02.2023. Since the writ petitioner did not receive any response from the end of the authority concerned, he made an application on 28.01.2025 under Right to Information Act, 2005. Thereafter on 28.02.2025 the

SPIO addressed the queries of the petitioner stating inter alia that the application of the petitioner has been rejected by selecting the private respondent as a suitable candidate against the said vacancy notification dated 17.11.22.

After receiving the information under RTI the petitioner has made a representation on 11.03.2025 before the respondent nos. 2 and 3 but the same remains pending for consideration.

Learned counsel for the State submits that the candidature of the petitioner has already been rejected for non-fulfilling of the eligibility criteria as laid down in the guidelines of the Notification dated 17.11.2022.

Having heard the parties and after perusing the records, I am of the considered view that the respondent no. 3 shall consider the representation dated 11.03.2025 along with other original documents as produced at the time of inspection with the assistance of the Enquiry Officer within a period of sixty days from the date of communication of the order and shall pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner and the private respondent and other stake holders, if any, and communicate such decision within a week thereafter.

The writ petition being **WPA 517 of 2026** stands disposed without going into the merits of the case.

However, it is made clear that if the licence has already been granted to the private respondent, in that event the private respondent shall not be restrained from running the fair price ration shop otherwise, the entire distribution system shall remain stalled, causing widespread public inconvenience.

(Smita Das De, J.)