

21-01-2026
Ct no. 10
Sl. 24
AGM

WPA 1101 of 2026

Pali Kundu

-Versus-

State of West Bengal & Ors.

Mr. Debabrata Saha Roy. Sr. Adv.
Mr. Pingal Bhattacharya.
Mr. Subhankar Das.

...for the Petitioners.

Ms. Sonal Sinha. Ld. A.G.P.
Mr. Amritlal Chatterjee.

...for the State.

1. Affidavit-of-service filed be kept with the record.
2. The petitioner in the instant case made an application in respect of a vacancy declaration notice dated 29th January, 2025 of the FPS as declared by the respondent no. 5 at Mondalpara Girls High School, Mondalpara Road, Mondalpara, Road, Shyamnagar, Service area, Ward No. 0030, 0035, P.O. Purbabidyadharpur, P.S. Jagatdal PS, Ward No. 0030, 0035, Municipality- Bhatpara (M) under Bhatpara Sub-area DDR, Barrackpore, District: North 24 Parganas.
3. The petitioner entered into a tenancy agreement with one Ashrita Mondal on 20.3.2025 for a period of ten years in respect of a show cum godown at the central location where vacancy of FPS has been declared.

4. It is submitted that the tenancy agreement has been executed for the purpose of using the room as a shop room and to be utilised for commercial purposes/dokan as bastu land.
5. The petitioner submits that an application in prescribed format was submitted on 19.5.2025 along with necessary document including the tenancy agreement for substantiating to be a suitable candidate for grant of FPS shop license against the subject vacancy notification dated 29.1.2025.
6. The petitioner submits that after submission of the application for grant of FPS license against subject to the vacancy, she was selected as the eligible candidate against the vacancy notice dated 29th January, 2025.
7. The petitioner draws the attention of the Court to paragraphs nos 23 and 24 of the writ petition stating that even after being selected as an eligible candidate and after obtaining highest marks till date no steps have been taken to grant the FPS license in favour of the petitioner.
8. The petitioner was verbally informed that the petitioner despite being eligible candidate, the license cannot be granted in her favour since the land has been converted after the date of enquiry.
9. In this context the petitioner submits that in the light of the judgments delivered by the Division Bench of this Court in M.A.T. 224 of 2025 with IA:

CAN 1 of 2025 it is a settled proposition that the character of the land dokan, commercial or vastu is not an essential condition rather it is a non essential condition and cannot be debarred from getting the FPS license.

10. The petitioner submits that the issue of non granting license on the ground of non production of record of rights has been held to be optional as held by the Division Bench of this Court in the matter or Archana Jana –Vs- the State of West Bengal & Ors.

“ 39. Hence, it is evident from the vacancy notification itself that the character of the land need not be established by production of the records of rights. If such requirement is not an essential pre-requisite for a licence application as per the vacancy notification itself, which circumscribes the grant of the licence, non-production of records of rights or consequential non-disclosure of the character of land as depicted in the records of rights would be entirely irrelevant while cancelling the licence as well. If a particular requirement is not there for issuance of a licence in the first place, non-fulfillment of such requirement cannot be a ground for cancelling the licence as well.”

11. The State respondents submits that the writ petition is premature in nature since the inter selection process has been completed and the decision is awaiting.

12. After hearing the parties at the length and considering the materials available on record, I am of the considered view that the representation dated 3rd November, 2025 shall be considered by the respondent no. 3 within two weeks from the date of communication of this order and pass a reasoned

order in accordance with law by considering the judgments referred in the representation.

13. An opportunity of hearing shall be given to the petitioner as well as the interested persons and communicate the decision one week thereafter.
14. However, it is made clear, the status quo is to be maintained till the decision taken by the respondent no. 3 attains finality and the same is communicated to the petitioner.
15. The writ petition stands disposed of without taking any exception to the merits of the case.
16. Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Smita Das De, J.)