

01-04-2026
ct no. 10
Sl. 4
RP

WPA 1805 of 2026
Hamedul Islam
-Versus-
State of West Bengal & Ors.

Mr. Pritam Chowdhury,
Mr. M Nazar Chowdhury,
Mrs. Priyanka Saha,
Ms. Farheen Rais

...for the petitioner

Mr. Suman Sengupta, Sr.Gvt.adv.,
Mr.Debopriyo Karan

...for the State

1. Affidavit-of-service be kept on record.
2. None appears on behalf of the private respondents even in the second call today. No accommodation is prayed for.
3. The petitioner is an eligible candidate for appointment as an MR (Fair Price Shop) dealer pursuant to the Vacancy Notification dated 18.10.2022 issued by the respondent no. 4.
4. The petitioner submits that notwithstanding fulfillment of all the mandatory eligibility conditions as prescribed in the notification, and having been found to be an eligible candidate, he has been determined to have obtained lower marks than the private respondent.
5. The petitioner respectfully invites the attention of this Court to page 38 being the Record of Rights of the private respondent, to

demonstrate that the land shown for the construction of the FPS dealer is Government land.

6. A representation has been submitted before the respondent no. 4 on 06.11.2024 which remains pending consideration.
7. The petitioner submits that the written complaints and representations have been made requesting a further enquiry, but to date, no action has been taken by the authority concerned.
8. The candidature of the private respondent is infirm in as much as it lacks a complete godown facility and does not possess a valid title.
9. The private respondent has encroached upon land vested with (PWD) and does not have adequate truck access or unloading facilities.
10. The learned Counsel appearing for the State respondent opposes the same and submits that of the 11 candidates only 2 candidates have been found to be accepted for consideration, and of these, the private respondent has obtained higher marks than the petitioner.
11. It is further submitted that the allegation levelled against the private respondent

pertaining to the title of the land has also been enquired into by the department from the concerned BLRO.

12. It is further submitted by the State respondent that an offer letter has been issued for the grant of license, though the recommendation for issuance thereof has not been made in favour of the private respondent due to the order of restraint passed in respect of the batch of matters which are pending before the Division Bench.

13. The petitioner and the private respondent shall ensure production of all the relevant documents before the concerned authority at the time of hearing.

14. Having heard the rival contention of the parties and upon perusing the records, I am of the considered view that the respondent no. 4 shall examine and scrutinize the relevant documents pertaining to the candidature of both the petitioner and the private respondent and thereafter pass a reasoned order upon affording an opportunity of hearing to the petitioner, private respondent and other stake holders, if any, and communicate such decision within a week thereafter.

15. It is however, made clear that at the time of hearing if the candidature of the petitioner is found to be the most suitable upon scrutinizing and examining the documents, the respondent no. 4 shall be at liberty to take appropriate steps in accordance with law.
16. Granting of the license shall not be given effect until the decision of respondent no. 4 attains finality.
17. The writ petition being WPA 1805 is disposed of without going into the merits of the case.

(Smita Das De, J.)