

01-04-2026
ct no. 10
Sl. 6
RP

WPA 2236 of 2026

Sagardighi Thana Agri Marketing co-operative Society
Ltd. & Anr.
-Versus-
State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim,
Mr. Kiron Sk,
Mr. Sayed Hossain,
Mr. Jamirudding Sk.

...for the petitioner

Mr. Suman Sengupta, Sr.Gvt.adv.,
Mr.Dwaipayan Basu Mallick

...for the State

Mr. Dwaipayan Basu Mallick

...for the respondent no. 2

1. The instant writ petition has been filed praying inter alia, for a direction upon the State respondent to withdraw the approval of the vacancy declaration notice bearing no. 3486/FMR/13L-17/2025 dated 04.11.2025 by the respondent no. 3 at Sagardighi Block under Jangipur Sub-Division, District-Murshidabad.
2. Learned Counsel appearing on behalf of the petitioner submits that by virtue of an order dated 04.11.2025 passed in WPA 24717 of 2025 the Co-ordinate Bench of this Court has been pleased to stay the operation of the preceding vacancy notification being no. 909 FMR/13L-06/2024 (Part-I) dated 22.04.2025

upon the following observation which is reproduced hereinbelow:-

“3. It is stated that the said notification has been issued on the basis of a redundant Control Order of 2013. The said notification has been issued after 2015 when the Control Order of 2024 coming into force on 01.08.2024.

4. The issue in respect of validity of the said notification is pending before the Division Bench in MAT 1543 of 2024.

5. Accordingly, let this matter be put up after the disposal of the appeal.

6. Pending hearing of the appeal the selection process may proceed but licence is not be granted or issued without further orders in the present writ application.”

3. The petitioner further submits that notwithstanding the fact that the vacancy notification in the instant bears a subsequent memo and a different date, the underlying vacancy is identical to the one which has been previously notified and has been stayed vide order dated 27.11.2025 in WPA 24717 of 2025.
4. Despite there being an order of stay, if the authorities proceed with the same, the petitioner's right shall be prejudiced.
5. The learned Counsel for the State respondent submits that pursuant to the order dated 27.11.2025 the learned Co-ordinate Bench of this Court has directed that the selection process may proceed, however, the issuance of the licence shall be kept in abeyance.
6. Having heard the parties, upon perusing the records I am of the considered view that since the subject matter of challenge in the said

petition pertains to the self-same vacancy as has been notified earlier, considerations of judicial propriety, necessitate that the present petition be disposed of with a direction that the respondent authorities are at liberty to proceed with the selection process however, they shall refrain from giving effect to the license or appointment until such time as the issue pending adjudication before the Division Bench is resolved.

7. Since no affidavits have been filed the allegations made in the writ petition shall be deemed to have been denied and not admitted.
8. The writ petition being WPA 1805 is disposed of without going into the merits of the case.

(Smita Das De, J.)