

11.03.2026

Item No.123

Crt.No.10

b.r.

WPA 3741 of 2025
with
WPO 104 of 2025
With
CAN 1 of 2025

Lovely Parween

-vs-

The State of West Bengal & Ors.

Mr. Niladri Sekhar Ghosh

Mr. Sharyar Alam

Mr. Souvik Dey

Mr. Subhrajyoti Hazra

.... For the petitioner.

Mr. Arjun Roy Mukherjee

Mr. Santanu Sett

.... For the State.

Mr. Ramesh Dhara

Mr. Gourav Banerjee

... for the private resp. no.6.

1. Parties are represented through their learned counsels.
2. The petitioner in the instant case applied for filling up the vacancy of an FPS Dealership pursuant to the notification dated 06.02.2023 for the grant of a license to run an FPS (Ration Shop).
3. Thereafter an enquiry has been held on 7.03.2024 following a mass complaint raised against the petitioner. Consequently, a further date has been fixed on 19.04.2024 for the submission of relevant documents in original

in connection with the application of an FPS new vacancy at Sariabad, near Sariabad FP School, Panchbhaya, Raiganj Block at Vivekananda Hall, Collectorate Building, Raiganj on 02.05.2024 at 11.00 AM.

4. It is further submitted that since the outcome has not been uploaded on the portal of the concerned department, an application has been made under the Right to Information Act with regard to the status of the Memo No. 312/ESTT/SCFS/RGJ dated 6th February, 2023 issued by SCFS, Raiganj, Uttar Dinajpur but the same remains pending for consideration.
5. Learned counsel for the State files a report in the form of an affidavit and draws the attention to page-25, the enquiry report dated 2.04.2024, which is reproduced below:-

“As per the order of the DLFPSSC the case was re-enquired on 07.03.2024. After re-inquiry it is found that the applicant has submitted a certificate of divorce which is issued by a Muslim Marriage Divorce registrar and Kazi on 16.02.2023 and the date of divorce was taken place on 08.09.2023. But it has come to our notice that in various legal and official documents she has

mentioned the name of her husband as Md. Alam (who is a brother of FPS dealer Abdul Mannan vide fps code 133000300009) after the date of solemnization of her divorce. These are as follows:-

- 1. In the registered sale deed of the land of the proposed premise (issued on 03.05.2023).*
- 2. In the mutation copy (issued on 12.05.2023).*
- 3. In the property tax receipt (issued on 12.05.2023).*
- 4. In the declaration of nomination form for contesting in the West Bengal Panchayat Election to the Panchayat returning Officer (on 14.06.2023).*

The above documentary evidences have created an ambiguity regarding the marital status of the applicant Lovely Parween and it also tends to create an intentional motive to suppression of fact. It also violates the section 11(iv) of the part-5 of the vacancy notification.

Secondly she is presently a member of local panchayat samity and disclosed the fact in written despite of knowing that person in such capacity cannot be offered a fps license. (Section 11(ii) of part 3 of the vacancy notification).

Thirdly it has come to notice from the previous inquiry that proposed

premise is situated in low land and it is a flood prone area. Photographs of the premise enclosed herewith inundated with flood water substantiate the fact.

Fourthly the approach road of the premise is kachha.

Finally the distance of the premise from the central point of vacancy is 2.3 km which is not a satisfactory condition for the targated beneficiaries. And also fails to fulfill the condition made under clause no.08 (iv) of the part-2 of the vacancy notification.

Considering the above instances the applicant may be considered as ineligible(D).”

6. Learned State counsel submits that already the authority concerned DP &S has determined that the vacancy notice dated 6.2.2023 shall be re-notified for the interest of fairness, public accessibility and transparency in the FPS allotment
7. It is further submitted that since the petitioner has suppressed the fact with regard to the marital status, the same runs contrary to the Section 15 Clause 4 of part-5 of the notification dated 6.2.2023 despite fulfilling

all the eligibility criteria as per Clause 12(iv) of Part 2 of the notification dated 6.2.2023.

8. A further document has been annexed to the report, from which it appears that at the time of making the application dated 12.05.2023, the petitioner has been contesting an election for the post of member of a Panchayat Samiti and has been subsequently declared elected as a member of the Panchayat Samiti on 11.07.2023. Being a member of any Panchayat Raj new policy violates the provisions laid down in Section 13 Clause-ii of part-3 of the notification dated 6.02.2023.
9. In this context the petitioner submits that at the time of personal hearing she has already produced the documents in original dated 5.03.2024 before the respondent no.4 concurrently expressing her intent to resign from the process of selection.
10. After careful consideration of the case and upon perusal of the materials available on record, I am of the considered view that petitioner has not satisfied this Court by producing any plausible explanation to review the comments made for not recommending the petitioner to be a suitable candidate for

grant of license against the vacancy notice dated 6.2.2023.

11. The petitioner has not been able to make out a proper case to satisfy this Court with any reasons as to why her candidature shall not be revisited by the authority concerned.
12. In view of the above, this writ petition, **WPA 3741 of 2025** stands **dismissed**, without any order as to costs.
13. It is made clear that the instant order shall not stand in the way of the petitioner for participating in any further selection process provided the petitioner is found to be eligible as per the criteria mentioned in the norms of the notification.
14. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)