20
25.11.2026
Court No. 10
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 4506 of 2026

Abdul Hakim Khan
-versus-
The State of West Bengal & Ors.

Mr. Kingsuk Mondal
Md. Golam Nure Imrohi
Mr. Partha Pratim Sinha
Mr. Suman Das
...For the Petitioner.

Mr. Dhananjoy Banerjee
Mr. Archan Dutta
Mr. Mohiul Islam
... For the respondent no. 10.

Mr. Rivu Dutta
Mr. Jagannath Chatterjee
... For the State respondent.

1. The petitioner, in the present writ petition, challenges, inter alia, the candidature of the private respondent to whom the State respondents have issued an offer letter dated 13th February, 2026.

2. Learned counsel appearing for the petitioner submits that pursuant to a Notification vide Memo No. 274/SCFS/DOM/2024 dated 24th May, 2024 issued by the Department of Food and Supplies for selection of suitable candidate for a license of FPS Dealership at Bishnupur, Pratappur, nearby Dhanaipur Jamanpur Jumma Masjid under Herampur Gram Panchayat,

Police station- Islampur, District-Murshidabad, Pin-742302.

3. The petitioner applied for the aforesaid license of FPS Dealership on 31st August, 2024 by submitting requisite documents. Subsequent thereto, the documents were examined and scrutinized and an enquiry was conducted on 8th February, 2025 in presence of the petitioner. Thereafter, upon completion of the entire proceeding, the petitioner came to learn that respondent no. 10 being the private respondent herein has been selected to be the most suitable candidate for the grant of FPS license.

4. Learned counsel further submits that the offer letter issued for a godown constructed on the land in question is disputed as the same has already been mortgaged to a Nationalised Bank and a possession notice has also been issued to the private respondent dated 21.01.2026 by the Authorized Officer of Asset Reconstruction Company (India) Limited (in short 'Arcil') under Rule 8 of Security Interest (Enforcement) Rules, 2002.

5. The petitioner invites this Court to Annexure P-5 at page 31 of the writ petition, a representation dated 3rd February, 2026 for cancellation of license of the FPS Dealership in favour of the private respondent. The same is pending for consideration.

6. Despite bringing it to the knowledge of the respondent no. 7, till date no action has been taken by the authority concerned for cancellation of the license granted in favour of the private respondent. Such action is arbitrary, illegal in access of jurisdiction in violation of principles of natural justice and not sustainable in the eye of law and the same is liable to be quashed and set aside.

7. It is submitted by the petitioner that the conduct of the private respondent is highly deplorable by concealment and suppression of the material fact of mortgaging the land with the bank on which the proposed godown has been constructed, which has not been brought to the notice of the Food and Supply Department. Such fraud committed by the private respondent is not permissible under law and is liable to be penalized for such suppression.

8. The petitioner also invites the attention to Clause 11 sub-clause (iv), of Part-5 of the said vacancy notification, wherein, it has been categorically mentioned that any suppression of fact/information or incorporation/providing of wrong information in the application form or attached documents will be considered as a good and justifiable reason for disqualification of a candidate or rejection of application and taking appropriate legal action.

9. Learned counsel for the private respondent submits after receiving the possession notice dated 21.01.2026, the outstanding dues have been cleared by the private respondent and accordingly “No Dues Certificate” has been obtained from the Asset Reconstruction Company (India) Limited (in short ‘Arcil’) on 17.02.2026. “No Dues Certificate” placed upon by the private respondent is kept with the record.

10. Learned counsel appearing for the State respondents places on record an instruction received from the concerned Department and submits that since the candidature of the private respondent has been found to be most suitable and eligible on the basis of the findings of physical enquiry conducted by the Enquiry Officer for the grant of license of the FPS Dealership, the private respondent has been selected and issued offer letter dated 13.02.2026.

11. Having heard the parties at length and upon perusing the materials on record including the documents annexed to the writ petition including the instruction of the State Government as well as “No Dues Certificate” dated 02.03.2026 placed by the private respondent, this Court finds that a prima facie case has been made out, warranting interference at this stage.

12. This Court is of the considered view that since the private respondent has committed a fraud by suppressing the information in the application form, the

matter shall be revisited by the authority concerned to take necessary action in accordance with law.

13. In view of the above, the writ petition is disposed of on the following grounds:

a. The respondent no. 6 shall revisit the issue by considering the candidature of the private respondent no. 10 along with that of the petitioner to arrive at a conclusive and logical finding for the grant of license to a most suitable candidate for granting license to run the FPS Dealership license and shall consider the representation dated 03.02.2026 being Annexure P-5 at page 31 of the writ petition within a period of four weeks from the date of communication of this order by passing a reasoned and speaking order in accordance with law upon affording an opportunity of personal hearing to the petitioner, private respondent and other stakeholders and the Authorised Officer of Asset Reconstruction Company (India) Limited (in short 'Arcil') and such decision shall be communicated within a week thereafter.

b. However, it is made clear that in course of hearing, the respondent no. 6 shall take the assistance of the Banking Authorities including the Authorised Officer of Asset Reconstruction Company (India) Limited (in short 'Arcil') to arrive at a logical and conclusive finding with regard to

grant of FPS license in respect of the Vacancy Notification dated 24.05.2024.

c. The respondent no. 6 shall take an independent decision without being influenced by the observations made hereinabove. The petitioner shall not pray for any unnecessary adjournment. All contentions of the parties are left open to be decided by the respondent no. 6.

14. In the meantime, the respondent authorities are restrained from giving any effect to the FPS Dealership of the private respondent till the decision of the respondent no. 6 attains its finality.

15. A copy of the report of the State respondents has been served upon the petitioner in Court today and the same is kept on record.

16. With the above observations and directions that the Writ Petition being **WPA 4506 of 2026** is disposed of without going into the merits of the case.

17. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Smita Das De, J.)