

S/L 12+13
07.04.2026
Court. No. 25
Suwayan

WPA 6807 of 2026

Swapan Ghosh
Vs.
State of West Bengal & Ors.

With

WPA 7476 of 2026

Swagata Ghosh
Vs.
State of West Bengal & Ors.

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdaus
Mr. Shyamal Mondal
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan

...for the petitioners.

Mr. Sambuddha Dutta
Mr. Bikramjit Mandal

...for the State in WPA 6807 of 2026.

Ms. Sonal Sinha, Ld. A.G.P.
Mr. Gourav Das
Mr. Sandipan Das

...for the State in WPA 7476 of 2026.

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mandal

...for the respondent nos. 3 to 7.

1. In WPA 6807 of 2026, the petitioner has challenged the communication dated March 12, 2026 wherein the respondent no. 4 had informed the petitioner that in the selection process the petitioner has not applied for the allotment of the retail outlet of Mini Dairy no. 21114 hence the license issued to the petitioner is cancelled with effect from March 19, 2026.
2. Learned counsel appearing for the petitioner submits that on October 3, 2019, the petitioner has been given license of MD no. 21114 of Mother Dairy, Kolkata located

at Karunamoyee Housing Estate, Salt Lake, Sector-II with effect from 01.11.2019 and since then the petitioner is running the said retail outlet.

3. All of a sudden, the respondents/authorities have issued the impugned notice dated March 12, 2026 for cancelling the allotment of the petitioner wherein the petitioner is running the business of selling the Mother Dairy milk in terms of the license issued dated October 3, 2019.
4. The petitioner submits that as per the terms and conditions of the agreement the engaged will automatically terminated by reaching the age of 60 years of the engaged license but in the present case the petitioner is aged about 58 years and not reached the age of 60 years but in spite of the same, in violation of the terms and conditions, the respondents/authorities have cancelled the allotment of the petitioner.
5. Learned counsel for the petitioner further submits that the petitioner has issued the demand justice requesting the authorities for withdrawal of the cancellation of the license number MD no. 21114 of Banglar Dairy Limited but the respondents/authorities have failed to consider the representation submitted by the petitioner on February 24, 2026.
6. Learned counsel appearing for the respondent nos. 3 to 7 submits that in the allotment order dated October 3, 2019 it is categorically mentioned that the engagement of the petitioner which will be 11 months only and may be renewed based on the performance which could be renewed after 11 months from the date of engagement.

He submits that the petitioner has accepted the said order of allotment and subsequently, the petitioner has not made any request for renewal of the same. Though the respondents have allowed the petitioner to continue with the said license till the new allotment has been made. He further submits that on November 10, 2025, Expression of Interest was published by the respondent no. 4 with respect of the engagement of license for operation of the retail outlets of Banglar Dairy Limited and in terms of the said expression of interest, the daughter of the petitioner has applied for allotment of the said outlet but the petitioner has neither applied for extension of the allotment of the said outlet nor has challenged the Expression of Interest dated November 10, 2025.

7. Learned counsel for the respondents has further relied upon the document that is one affidavit affirmed by the mother of the petitioner wherein the mother of the petitioner has affirmed that the date of the birth of the petitioner is January 1, 1966 and the petitioner do not possess any Birth Certificate. Learned counsel for the respondents further relied upon the PAN card of the petitioner wherein the date of birth of the petitioner is recorded as 01.01.1966. Learned counsel for the respondents by referring the said documents submits that as per the said documents the petitioner has reached the age of 60 years and as such he cannot claim the benefit in terms of the contract.

8. The daughter of the petitioner has filed another writ application being WPA 7476 of 2026 challenging the notification dated 21.01.2026 wherein the respondents have published the names of selected candidates as licencees of Banglar Dairy Limited wherein the name of the petitioners was not considered for allotment of retail outlet MD No. 21114.
9. The petitioner in WPA 7476 of 2026 in terms of Expressions of Interest has applied for allotment of retail outlet MD No. 21114. The petitioner has also attended the interview conducted by the authorities but has not selected for allotment of retail outlet MD No. 21114.
10. The petitioner submits that the respondents have issued an email for attending the interview and accordingly the daughter of the petitioner has attended the interview on December 12, 2025 but by a notification dated January 21, 2026 the respondents/authorities have rejected the request of the petitioner for allotment of the said outlet without any reason.
11. Learned counsel for the petitioner further submits that as per Clause 4(b) of the terms and conditions of EOI if any candidate has a business or family relationship with any staff of Banglar Dairy Limited who are directly or indirectly involved in the project shall not be considered. The petitioner submits that though the respondents authorities had to knowledge that the husband of the private respondent no. 8 is working with the Banglar Dairy and the wife has applied for allotment of the outlet and the authorities have allowed the wife to participate

in the interview and allotted the subject outlet to the wife of the private respondent no. 9 who is respondent no. 8 in the present case.

12. *Per contra*, learned advocate appearing for the respondents submits that after receipt of the application of the petitioner, the authorities have allowed the petitioner to participate in the interview process. The petitioner has participated in the interview process and the petitioner has only obtained total 28 marks out of total 50 marks, wherein the private respondent has obtained 40 marks out of 50 marks and as such the petitioner was not selected for allotment of the outlet wherein the private respondent obtained 40 marks out of 50 marks, thus the authorities have taken decision for allotment of the outlet to the private respondent.
13. Learned counsel for the State submits that the writ petitioner in WPA 6807 of 2026 has only challenged with regard to cancellation order dated March 12, 2026 wherein the petitioner in WPA 7476 of 2026 has challenged the notification dated January 21, 2026 wherein the respondent authorities have not selected the writ petitioner for allotment of the said outlet. He submits that if prayers of both the writ petitions are taken into consideration, the same will be conflict to each other.
14. Heard the learned counsel for the respective parties perused the materials on record.
15. This Court finds that the writ petitioner in WPA 6807 of 2026 is running his business in the retail outlet no. MD

21114 in terms of the license issued by the authorities on October 12, 2019. The respondent authorities have issued the Expression of Interest on November 10, 2025. The petitioner has not challenged the said Expression of Interest issued by the respondent authorities for allotment of the retail outlet. On the other hand, the petitioner in WPA 6807 of 2026 allowed his daughter to participate in the Expression of Interest for allotment of the said retail outlet. Till the final decision is taken with regard to the allotment of the retail outlet after the interview is conducted both the petitioners were silent. After the declaration of the result on January 21, 2026 both the petitioners are filed their respective applications. It is settled law once the petitioner has participated in the interview process and after being unsuccessful cannot challenge the interview process.

16. In the present case, the petitioner in WPA 7476 of 2026 participated in the said interview. The interview was conducted and she has only obtained 28 marks out total 50 marks wherein the private respondent no. 8 has obtained 40 marks out of the 50 marks and this Court did not find any *mala fide* and arbitrary action on the part of the respondent authorities for selecting the private respondent for allotment of the retail outlet to the private respondent as per the interview process held by the authorities.
17. As regard to the conflict of interest, the petitioner has only submits that the private respondent no. 9 is the staff of Banglar Dairy but the respondents have denied the

same and the petitioner has not disclosed any documents to establish that the respondent no. 9 is involved in the project, thus, mere on the allegation, the selection process cannot be set aside.

18. As regards the request of the petitioner in WPA 6807 of 2026 this Court finds that though the petitioner is running the business in terms of the license issued by the authorities but the authorities have issued the Expression of Interest on 10.11.2025 but the petitioner has not challenged the said Expression of Interest on the other hand he is allowed his daughter to participate in the interview process. Thus it cannot be said that the petitioner was not having the knowledge with regard to the Expression of Interest. The petitioner has not even participated in the said interview process for re-allotment of said outlet. As regards the age is concerned the petitioner has relied upon aadhaar card wherein the date of the birth of the petitioner is recorded as March 1, 1967 but the document produced by the authorities wherein it is found that mother has declared the date of birth of the petitioner as 01.01.1966 and the age has also been recorded in the PAN card and as such this Court by sitting in the writ jurisdiction cannot decide what is the correct age of the petitioner. Even if the petitioner is not completed the age of 60 years but the petitioner had the knowledge with regard to the Expression of Interest but the petitioner has not challenged the said Expression of Interest thus the condition does not debar the authorities

to continue with the process unless and until the petitioner is challenged the Expression of Interest.

19. Considering the above, this Court did not find any merit in both applications, the same are dismissed.
20. After delivery of the judgment, learned counsel for the petitioner prays for extension of time to vacate the retail outlet. Accordingly, the petitioner is given 10 days time to vacate the retail outlet to hand over the same to the authorities.
21. However, there shall be no order as to costs.
22. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)