

04
8.4.2026
Court No. 10
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 8470 of 2026

**Amitosh Ghosh
-versus
State of West Bengal & Ors.**

**Mr. Ram Anand Agarwala.
Ms. Nibedita Pal.
Mr. Ananda Gopal Mukherjee.
Mr. Soumen Roy.
...For the petitioner.**

**Mr. Somnath Gangopadhyay.
... For the respondent nos. 6 to 7.**

**Mr. Swapan Kumar Dutta. Ld. G. P.
Mr. Tapas Kumar Roy.
... For the State.**

1. Affidavit-of-service filed today in Court be kept with the record.
2. The petitioner in the instant case challenges inter alia, the impugned Memo No. 9.1.2026 whereby the candidature of the petitioner has been rejected on the ground of mentioning an incorrect plot no in respect of the proposed FPS godown.
3. The petitioner subsequently made a representation on 23.3.2026 however, the same remains pending for consideration.

4. Learned G.P. submits that already a reasoned order has already been passed indicating that the proposed FPS godown is situated at plot nos. 629, 630 instead of plot no. 638 and that the petitioner has been held to be ineligible candidate for engagement in respect of the vacancy in question.
5. The petitioner, in this context opposes the said contention of the State respondents and submits relying upon paragraph 28 in MAT No. 1300 of 2025 with CAN 1 of 2025 (Archana Jana –vs- The Stte of West Bengal and Others), which is reproduced below :

“28. First, the boundaries of the property, which was the subject-matter of the lease deed produced by the appellant, clearly demarcate plot no. 375 as it has come out from the submissions of the parties, although it was wrongly numbered as plot no. 387 in the lease deed. Pursuant to the ratio laid down in P. Udayanai Devi’s case, in such a situation, it will be deemed that the description of the plot number was a mere misdescription and does not vitiate the transaction as such. Borrowing the said principle in the circumstances of the instant case, we find that the erroneous description of the plot number in the lease deed was a bona fide error and not a deliberate suppression, since even otherwise, the boundaries of the demised property, as given in the lease deed, tally with plot no. 375, and the landlord appears before this Court and categorically supports the contention of the appellant that it was a mistake in enumerating plot no. 387 instead of 375. Thus, we are of the opinion that no case of fraud has been made out.”

6. In conspectus of the above as adumbrated herein, I find that the petitioner has been able

to make out a prima facie case, accordingly, interference is warranted at this stage.

7. Having heard the parties and upon perusing the available record, I direct the respondent no. 2 to consider the application dated 23.3.2026 in light of Archana Jana(Supra) within a period of sixty days and pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner, the landlord and the other stake holders, if any, and communicate such decision within a week thereafter.
8. However, it is made clear that the petitioner shall at the time of hearing, produce the original record of rights before respondent no. 2 to substantiate the plot number on which the FPS godown is situated.
9. In the event, the selection process is not completed, the respondent authorities shall be at liberty to continue the process but no actions shall be given effect to until the decision of the respondent no. 2 attains finality.
10. The writ petition stands disposed of accordingly without taking any exception to the merits of the case.

11. Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Smita Das De, J.)