

1.4.2026
Item No.30
AGM
Ct. no.10

**WPA 16986 of 2024
CAN 1 of 2024**

**Md. Abdul Kader Molla
Vs.
State of West Bengal & Ors.**

**Mr. Debabrata Saha Roy. Sr. Adv.
Mr. Pingal Bhattacharya.
Mr. Subhankar Das.
..... for the petitioner.
Mrs. Sonal Sinha.
Mr. Amritlal Chatterjee.
.....for the State.**

1. The State respondent seeks time to act in terms of the earlier order dated 11.3.2026 by filing a report in the form of an affidavit.
2. Learned counsel for the petitioner vehemently opposes the same and submits that the competent authority has already assessed the candidature of the petitioner and found the petitioner to be the most eligible candidate among the three candidates who have applied pursuant to the vacancy notice in question.
3. The candidature has not been recommended on the ground that the godown is allegedly leaky, lacks proper ventilation and is susceptible to dampness which appears to be a flimsy ground.
4. The petitioner submits that the same can be rectified otherwise, it shall cause grave prejudice to the interest

of the petitioner, who has already been found to be the most suitable candidate.

5. Till date pursuant to the order passed by the Coordinate Bench of this Court dated 16.7.2024 the State authority has been restrained from re-notifying the advertisement of FPS vacancy in the newspaper. Consequently, the vacancies still remains unfilled.
6. In view of the above, I find that the petitioner has been able to make out a case where interference is warranted at this stage by directing the State respondent to consider and accept the petitioner as the candidate, since the petitioner has already been assessed by the authority concerned to be the most suitable candidate, except, with regard to the godown which is alleged to be very damp.
7. In the interest of the public at large, the vacancy cannot be kept unfilled merely because the eligible candidate has not been recommended on a flimsy ground, which can be rectified.
8. The petitioner is directed to give an undertaking to repair and rectify any deficiencies if present, within a period of fifteen days. Upon being satisfied with such rectification, the respondent no. 5 being the licensing authority shall forthwith grant the license in favour of the petitioner.

9. It is made clear that the vacancy still remains unfilled and the beneficiaries are being deprived with their interest being infringed due to the matter being kept in limbo.
10. The license shall be granted within a period of thirty days thereafter, subject to the satisfaction of the licensing authority.
11. In the meantime, the interim order granted by the Co-ordinate Bench of this Court stands vacated and the vacancy notice dated 30.5.2024 is hereby quashed and set aside.
12. However, in the event the licensing authority is not satisfied with the repair of the godown, the respondent no. 5 shall be at liberty to proceed afresh in accordance with law.
13. The writ petition is disposed of without going into the merits of the case.
14. 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)