05.10.2026
Court No.10
ML/Item No.–**20**
[Milan]

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19774 of 2026

TAPAS KUMAR MANNA
VS
THE STATE OF WEST BENGAL & ORS.

Mr. Bhaskr Roy,
Ms. Debangana Dey
....for the Petitioner

Ms. Riva Dutta,
Mr. Swastik Saha
....for the State

Mr. Jayanta Kumar Das,
Mrs. Madhumanti Das
....for the Respondent No.6

1. The Learned Advocate for the petitioner submits that pursuant to the direction contained in the Order dated 06.05.2026 [assessed by this Court in WPA 6640 of 2026, Tapas Kumar Manna Vs. The State of West Bengal and Others, the Sub-Divisional Controller and the Ex. Officio Assistant Director, Food and Supply being Respondent No.4 has passed an Order dated 25.06.2026 which suffers from perversity and illegality and is in violation of principles of natural justice, therefore, is liable to be set aside

2. This Court has taken the judicial notice of the findings as recorded in the impugned order dated 25.06.2026.

3. It is further submitted that the respondent No.4 after conducting a physical enquiry, has arrived at

the following finds in the Order dated 25.06.2026 which is reproduced below:-

"In view of the above and as per direction given by the Hon'ble Justice Smita Das De on 06.05.2026 in respect of the grievances made in para-10 of the representation, an enquiry was conducted by the undersigned along with the concerned A.I.(F&S)-Kolaghat and the Area Inspector Chandipur of Tamluk Subdivision on 25.06.2026 for finding veracity of the prayer of the petitioner. The findings of the physical enquiry are given below:

1. *The Sketch Plan of both the godowns (T.K. Manna & P.B. Bhowmik) are duly signed by the Hon'ble Pradhan Brindabanpur-11 GP.*
2. *The distance from Central location mentioned in representation is not a valid issue of objection.*
3. *Both the proposed godowns are accessible by small carts.*
4. *The objection regarding water logging is denied as no such situation was faced by the Area Inspector on the date of enquiry.*
5. *The address issue in the Aadhar card of Smt. Priyanka Birua Bhowmik is due to her marriage and she has already submitted the Aadhar mentioning her present address.*
6. *The approved candidate has submitted lease deed with tenure of 25 years which is as per guidelines and the owner of the property is her father-in-law.*

Hence, the findings of the physical inspection do not substantiate the grievances raised by the petitioner. Accordingly, the grievances advanced by the petitioner are found to be devoid of merit.

The approved candidate has fulfilled all the eligibility criteria as per notification and also the

vacancy was duly verified and cross checked from all the levels up to the highest Approving authority as well as the personal interview conducted by DLFPSSC. Upon careful consideration of all records, enquiry reports, and submissions made during the personal hearing on 18.06.2026 in presence of both the parties at the office chamber of the undersigned, the objection raised by the petitioner Sri Tapas Kumar Manna against the selection of Priyanka Birua Bhowmik is hereby rejected.

The Licensing Authority holds that, the final selection having been made by the F&S Deptt. on the basis of personal interview conducted before the DLFPSSC, Purba Medinipur and there is no ground to interfere with the said selection.

Accordingly, the selection of Smt. Priyanka Birua Bhowmik for the concerned FPS dealership is upheld and the matter is disposed of".

4. The Learned Advocate for the petitioner submits that the findings so arrived at having been rendered in a mechanical manner without proper application of mind and without considering the specific grievances raised in the representation on merits.

5. The Learned Advocate for the respondents raises an objection to the submissions made on behalf of the petitioner and submits that the impugned order does not suffer from any illegality and has been passed by the authority concerned on the basis of physical enquiry conducted by the respondent No.4.

6. The Learned Advocate for the private respondent submits that the offer letter has already been issued

in favour of the private respondent even prior to the filing of the present Writ Petition.

7. Having heard the parties and upon perusing the materials on record this Court finds that the petitioner has been able to make out a prima facie case warranting interference at this stage. This court is also of the considered view that despite conducting a physical enquiry, respondent No.4 has not assigned any reason whatsoever to substantiate the specific grievances of the petitioner as detailed in paragraph 10 of the representation dated 12.03.2026. Paragraph 10 is reproduced hereunder:

> *"10. It is submitted that we both are from the same vicinity and well worst know about each other. It is submitted that the said applicant Smt. Priyanka Birua Bhowmik, is not at all eligible for the said vacancy, In this regard some of the known ambiguities are brought before you leaned office, which are as under:*
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> *(a) The godown of the petitioner is Model Godown, duly sanctioned and constructed as per the specification of the Government Rules and Regulation. Moreover the said measurements of the said proposed shop-cum-godown of the petitioner is more than the basic eligibility criteria as mentioned in the clause 8 of the Memo No. 261/MR/TFS/24 dated 29.05.2024. On the contrary the shop-cum-godown of the selected candidate is without sanction and falls under unauthorized construction and is liable for demolition. Thus such illegal construction cannot be granted license, therefore it casts severe doubt as to*

how the application of the Smt. Priyanka Birua Bhowmik was even considered eligible.

(b) The distant of the shop-cum-godown of Smt. Priyanka Birua Bhowmik, from the main area as mentioned in the Memo No. 261/MR/TFS/24 dated 29.05.2024 is about one kilometer, where as the distance of the shop-cum-godown of petitioner from the main area is not more than 200 meters, even on this ground the application of petitioner was far more eligible than that of Smt. Priyanka Birua Bhowmik.

As per the statutory norms and applicable rules and regulations, the road approaching to the proposed shop should be minimum 6 ft wide, but the road approaching the shop-cum-godown of the selected candidate, Smt. Priyanka Birua Bhowmik is not more than 4.5 ft wide, unconstructed and in rainy season, problem of water logging. Contrary to this my proposed the road approaching my shop-cum-godown is more than 6ft wide, properly constructed, with no water logging problem.

(c) The said problem was faced and seen by the Area Inspector, Food & Supplied, Chandipur Block, District Purba Medinipur, on dated of inspection 18.09.2024 on that day there was continuous rain and there was no water Jogging on my area whereas there was severe water logging in the road approaching the shop-cum-godown of the selected candidate, Smt. Priyanka Birua Bhowmik. Also the road was measured by the area inspector.

It has come to knowledge that there is mismatch in the Aadhar Card of Smt. Priyanka Birua Bhowmik, whereas there was

no such object with respect to the petitioners records, therefore the petitioner was eligible on this count as well.

The petitioner is also aware that shop-cum-godown of the petitioner is a leased property, without proper stamp duty and registration, where as the property of the petitioner is a self-owned property. In this regard it is submitted that on this ground the petitioner is a most eligible candidate. It is further submitted that without proper stamp duty and registered lease deed the applicant, Smt. Priyanka Birua Bhowmik, cannot be considered even the lawful possessor of the said shop, as such, ipso facto, the said candidate becomes in-eligible for the said vacancy".

8. Since the impugned Order date 25.06.2026 has been passed without recording any finding with respect to paragraph 10 of the representation dated 12.03.2026, the same is hereby quashed and set aside.

9. In view of the above, this Court directs the respondent No.2 to revisit the issue while considering the representation of the petitioner dated 12.02.2026 and to pass a reasoned and speaking order in accordance with law, after affording an opportunity of personal hearing to both the petitioner and the private respondent and to communicate such decision within a week thereafter.

10. The respondent No. 2 is directed to consider and dispose of the representation of the petitioner and communicate such decision.

11. However, it is made clear that the respondent No.2 shall conduct an independent enquiry and shall share the Google location and map for arriving at a logical conclusion to resolve the issues involved in the case till such decision attains finality.

12. The respondent No.2 shall take an independent decision without being influenced with the observations made hereinabove, in light of the documents furnished, within a period of six weeks from the date of communication of this order.

13. In the meantime, the concerned respondent authority is directed to maintain status quo. All the parties are directed to produce all relevant documents at the time of hearing before the concerned authority for effective adjudication.

14. With the above observations and direction, the Writ Petition being WPA 19774 of 2026 is disposed of accordingly without going into the merits of the case.

15. There will be no order as to costs.

16. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Smita Das De, J.)