

24.06.26
31Ct. No.10
Sws.M

WPA 20237 of 2025

Priyanka Ghosh
vs.
State of West Bengal&Ors.

Mr. Tanmoy Chattopadhyay
Mr. Jay Laha

....for the petitioner

Mr. NikunjBerlia, Ld. AGP
Mr. Bijitesh Mukherjee, Jr. Govt.Adv.
Mr. Ram Chandra Agarwal

....for the State-respondents

1. Affidavit-of-service filed in Court today is taken on record.
2. None appears on behalf of the State-respondents in Court today.
3. Mr. Nikunj Berlia, learned Additional Government Pleader along with Mr. Bijitesh Mukherjee, learned Junior Government Advocate and Mr. Ram Chandra Agarwal, learned advocates are engaged in this matter on behalf of the State. Their appearancesbe accordingly regularized from the office of the Legal Remembrancer.
4. The core issue for adjudication is whether the grant of Fair Price Shop licence in favour of private respondent No. 8, despite the petitioner being the most suitable candidate against the vacancy notification dated 14.5.2024 is arbitrary, illegal and contrary to the eligibility criteria, thereby

warranting cancellation of such licence and consideration of the petitioner's candidature.

5. It is submitted by the petitioner that the respondent authorities have issued the license in favour of private respondent No. 8 arbitrarily and illegally, which is not permissible in the eye of law. The petitioner despite being the most suitable considerate against the vacancy notification dated 14.5.2024 has been overlooked without assigning any cogent or valid reason.
6. Since the license has been granted in favour of the private respondent No. 8, the petitioner has approached this Court for cancellation of the license granted in favour of the private respondent No. 8 on the ground that the respondent authorities have failed to consider the petitioner, who is the most suitable candidate. Consequently, the respondent be restrained from allocating ration articles in favour of respondent No.8, to whom the licence has been granted.
7. Petitioner submits that on several occasions, representations have been made before the authority concerned with regard to illegal grant of license in favour of the respondent No. 8, despite the petitioner being the most suitable candidate against the vacancy notification dated 14.05.2024.

However, no action has been taken on the said representation till date.

8. The State-respondents do not object to the consideration of the representation made before the authority concerned by the petitioner.
9. Having heard the parties and upon perusal of the material on records, this Court is of the view that the grievance of the petitioner can be effectively redressed by the authority concerned upon consideration of the representation. Judicial interference at this stage, without the authority applying its mind would not be appropriate. For the ends of justice, I direct the petitioner to submit a comprehensive and detailed representation before the respondent No. 2 within a period of two weeks from date. The said representation shall be considered by the respondent No. 2 within a period of four weeks from the date of receipt of the representation and pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner and the private respondent No. 8 and other stakeholders, if any, either in person or through an authorized representative and communicate such decision within a week thereafter.

- 10.** The entire exercise of consideration of the said representation shall be completed peremptorily on or before 30th September, 2026.
- 11.** However, it is made clear that at the time of hearing, the petitioner and the respondent No. 8 shall produce all the relevant documents before the concerned authority for proper consideration and adjudication of the same.
- 12.** Till the disposal of the representation the respondent authorities shall maintain status quo with regard to allocation of ration articles in favour of private respondent No.8.
- 13.** With the above observation and direction the writ petition stands **disposed of** without going into the merits of the case.
- 14.** Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Smita Das De, J.)