01-04-2026
ct no. 10
Sl. 23
RP

WPA 21946 of 2025

Pinki Mandal

-Versus-

State of West Bengal & Ors.

Mr. Atis Kr. Biswas,
Mr. Amit Singh.

...for the petitioner

Ms. Sonal Sinha, ld AGP,
Ms. Munmun Ganguly

...for the State

1. The learned Counsel appearing for the petitioner in the instant case challenges the action of the respondent authorities in failing to grant FPS licence in favour of the petitioner and the issue of the offer letter in favour of the respondent no. 7 against the vacancy notice of FPS dealership dated 14.5.2024.
2. It is submitted that the private respondents have arranged to apply through a dummy candidate being the respondent no. 7 for the establishment of another Fair Price Shop within 50 meters of the existing shop, on the property of the private respondent no. 7.
3. It is further submitted that the private respondent no. 8, is the co-sharer of the plot of land at Dag no. 286 within the District-Maldah along with other co-sharers. It is submiktted

that the private respondent has intentionally used the respondent no. 7 to obtain the FPS license without filing any affidavit in the form of a NOC as required under Clause 10(A)(d) Part-4 of the vacancy notice which is one of the pre-requisite criteria.

4. The petitioner draws the attention of this Court to demonstrate the same as evidenced from the documents annexed to the exception filed by the petitioner to the report of the State respondent.

5. The petitioner also submits that as per the mandate of the vacancy notice at serial no. 63 of Part IV the applicants are directed to submit applications for conversion on the date of application for the FPS licence. In the instant case the private respondent no. 8 submitted the permission for change of character subsequent to the date of making the application that is on 11.09.2024 which runs contrary to the mandate of the vacancy notice.

6. It is further submitted that the grounds in which the petitioners candidature has been rejected are the same as the grounds on which the private respondent have been allowed to be

declared most suitable candidate for running the FPS dealership.

7. The learned Counsel for the State submits that although the petitioner has been found to be eligible, he could not be considered the most suitable candidate.

8. It is further stated that the petitioner could not be recommended as the most suitable candidate on the ground that the owner of the proposed godown has found not to be the absolute owner of the land.

9. At the time of physical verification, the petitioner has been unable to produce the originals of the lease agreements for inspection, which has been uploaded at the time of making the application for the FPS vacancy.

10. In conspectus of the above, I find that there is a serious factual dispute which needs to be resolved by the authority concerned upon considering and examining the relevant records for the proper adjudication of the challenge made in the instant writ petition.

11. Having heard the parties upon perusing the records I find that petitioner shall make a comprehensive detailed representation annexing the relevant documents before the

respondent no. 3. The respondent no. 3 shall consider the same and pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner, the private respondent nos. 7 & 8 and other stake holders, if any, and communicate such decision within a week thereafter.

12. However, it is made clear that the license granted in favour of the private respondent has already expired on 31.12.2025 which has been issued on 15.07.2025.

13. The writ petition being WPA 21946 of 2025 is disposed of without going into the merits of the case.

(Smita Das De, J.)