

27.01.2026

Ct. no.10

Sl. 28

b.r.

WPA 21929 of 2025

Saheba Khatun

Vs.

The State of West Bengal & Ors.

Mr. Kaustav Banerjee

Ms. Ria Kundu

.... For the petitioner

Mr. Swapan Kumar Datta, Ld. GP

Mr. Dipankar Das Gupta

..... for the State.

1. Affidavit of service filed in Court today, is taken on record.
2. The petitioner in the instant case has challenged, inter alia, the appointment made in favour of the private respondent as eligible FPS dealer for the vacancy notification bearing Memo No. 41/SCFS/(F)/DH/25 dated 28.01.2025.
3. The petitioner submits that though the petitioner has been held an eligible candidate for Fair Price Shop (FPS) dealer against vacancy ID No. 202100242701 vide Memo No. 79/SC/FS/DH/24 dated 16.05.2024 for Central Location: Patra (DAR F P SCHOOL).

4. The petitioner states that inspite of being an eligible candidate for the said vacancy, the Memo no. 79 was cancelled by the respondent No.7 and the same was granted in favour of the private respondent.
5. The petitioner being aggrieved by the order dated August 25, 2025 makes a representation before the respondent no.5 for further consideration but the same remains pending for consideration.
6. The respondents submits that already an appeal was preferred against an order dated 15.09.2025 passed by the Hon'ble Division Bench on the ground of refusing to pass an interim order.
7. It is also submitted that since the licence has been granted in favour of the private respondent, the private respondent is running the shop smoothly.
8. The Hon'ble Division Bench of this Court was pleased to observe vide order dated 25.09.2025, which is reproduced below:-

“ Keeping in view the public interest element involved in the public distribution system of ration articles, no interim order ought to be passed at this juncture since, if granted, such order will paralyze the public distribution system in respect of

essential commodities, thereby adversely affecting the multitude of people , primarily coming from the marginalized sections of society. Thus, there was no illegality or infirmity in the impugned order in not granting ad interim injunction/stay in favaur of the writ petitioner/applicant.

9. In conspectus of the above as adumbrated I find that a further reconsideration is required to ascertain the eligibility criteria of both the petitioner and the private respondents.
10. I direct the respondent no.4 with the assistance of respondent no.5 to consider the representation dated 8.09.2025 within a period of eight weeks from the date of communication of the order and pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner, private respondent and other interested parties, if any and communicate such decision within a week thereafter.
11. In the meantime, to arrive at a logical conclusion, the respondent no.4 shall peremptorily conduct a field enquiry in presence of all the parties including the petitioner and the private respondent and

the stake holders if any, to assess the suitability of the candidates for filling up of the vacancy in question..

12. It is made clear that the Division Bench of this Court has already been pleased to observe by keeping in view the public interest element involved in the Public distribution system of ration articles, therefore, no order shall be passed to paralyse the public distribution system in respect of the essential commodities affecting thereby the marginal sections of the society.
13. In course of hearing, if it appears that petitioner is a better suited candidate than the private respondent in that event,, the respondent no.4 shall forthwith take necessary steps by passing an appropriate order in accordance with law.
14. With the above observations and directions, the writ petition, **WPA 21929 of 2025** stands **disposed of** without going into the merits of the case.
15. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)