

02.03.2026

**Ct. no.10
Sl.No. 19
b.r.**

WPA 24103 of 2025

Saira Bano

Vs.

The State of West Bengal & Ors.

Ms. Nilanjana Adhya

Mr. Md. Maznu Ahmed

.... For the petitioner

Ms. Nilanjana Banerjee Pal

Mr. Bisupada Jana

..... for the State-respondents.

1. Heard the learned counsels appearing for the respective parties.
2. The petitioner being an intending applicant challenges, inter alia, the illegality and arbitrariness of the action of the respondents in rejecting the petitioner's application for grant of a licence against a vacancy ID-202200220921 dated 15.05.2024 of an FPS dealership.
3. *Apropo* the facts of the case, the petitioner made an online application in prescribed form before the respondent no. 6 on 30.8.2024 upon payment of requisite fees for grant of license against the vacancy of fair price shop (Ration shop) dated 15.05.2024.

4. Thereafter an inspection-cum- enquiry has been conducted by the field officer on 28.09.2024 in respect of the petitioner's shop-cum-godown. A report has been filed accordingly.
5. In furtherance thereof, a notice has been issued on 14.01.2025 fixing the date of personal hearing.
6. Subsequently, relying upon the field enquiry report, the respondent denied the application on the ground that the petitioner had not completed shop-cum-godown of the petitioner at the time of inspection.
7. Thereafter, the petitioner submitted a representation before the respondent nos.7 and 3 which has been disposed of by a communication dated 19.12.2025 stating, inter alia, that the petitioner's application stood rejected on the basis of the report of the respondent no.6.
8. The said communication further recorded that the office of the respondent no.10 specified the minimum area requirement prescribed under the relevant Government norms declaring thereby, the petitioner to be ineligible since the proposed godown has

been found to be incomplete at the time of inspection.

9. Learned counsel for the petitioner has filed a supplementary affidavit affirmed on 11.02.2026 annexing certain documents to demonstrate that the construction of the godown has already been completed prior to the date fixed for the personal hearing. During the pendency of the writ petition, the order of rejection has been communicated to the writ petitioner on 19.12.2025 which is the subject matter of challenge herein. Supplementary affidavit filed in Court today, is kept with the record.
10. Learned counsel for the State filed a report along with inquiry report regarding the petitioner and the private respondent. Report filed by the State in Court today, is kept with the record.
11. Based on the report the reasons assigned for declaring the petitioner unsuitable similar to that reasons assigned for the private respondent as mentioned in Clause 65 of the enquiry report, which is reproduced below:-

65.	Overall comments with positive/negative recommendation	:	Not recommended due to following
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		<i>reasons:</i> <i>1. Godown was under construction at the time of enquiry.</i> <i>2. Financial solvency not established.</i>
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12. In conspectus of the case, I find the decision taken by the authority concerned is arbitrary, without proper application of mind and not tenable in the eye of law.
13. Having heard the parties upon perusing of the materials available on record, I am of the considered view that the respondent no.7 shall revisit the issue by considering the representations dated 8.12.2025 and 12.09.2025 with the assistance of the Enquiry Officer and shall pass a reasoned order in accordance with law within a period of sixty days upon affording an opportunity of hearing to the petitioner and the private respondent and other stake holders, if any. Such decision shall be communicated within a week thereafter to the concerned authorities.
14. However, it is made clear that if a further field enquiry is warranted, the respondent no.7 shall be at liberty to proceed further by conducting a field enquiry to ascertain the

suitability of the candidature of both the parties. The private respondent shall not be restrained from running the FPS dealership till the decision taken by the respondent no.7 attains the finality without disrupting the entire distribution system or prejudicing the demand of the public at large.

15. With the above observations and directions, the writ petition, **WPA 24103 of 2025** stands ***disposed of*** without going into the merits of the case.
16. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)