

11-02-2026
ct no. 10
Sl. 24
RP

WPA 25752 of 2025

Golam Murtaja

-Versus-

State of West Bengal & Ors..

Mr. Debabrata Saha Roy,
Mr. Piyal Bhattacharyya,
Mr. Subhankar Das

...for the petitioner

Ms. Sabnam De Bardhan,GP
Mr. Subhasri Chatterjee

...for the State

1. In pursuance of a Vacancy Notification for grant of licence for running a fare price shop dealership being Memo No. 244/SCFS/DOM/2024 dated 15.05.2024 issued by the respondent No. 5, the petitioner applied for the same in respect of a Village Bardhanpur, Block Rani Nagar-II under Dumka Sub-Division in the district of Murshidabad.
2. Main grievance of the petitioner is for non-recommending the candidature of the petitioner before the District Level Fair Price Shop selection process (hereinafter referred to as DLFPSSC for the sake of brevity and convenience) on the basis an erroneous finding recorded in the "Finding Proforma" by the Enquiry Officers.
3. The petitioner submits that the finding arrived at by the respondents runs contrary to the requirement

mentioned in Clause 8(IV)(c) of Part 2 of the Vacancy Notice dated 15.05.2024 misconstruing its own guideline resulting in miscarriage of justice.

4. The petitioner submits that the authority has failed to appreciate the true intent of the requirement mentioned in the Notification.
5. The petitioner submits that his candidature has been rejected on a wrong premises by considering the height of a shop to be lesser than the requirement mentioned in the vacancy notice.
6. The Learned counsel appearing for the State respondent files a report of respondent No. 5 dated 16.11.2025 alongwith an explanatory note dated 02.12.2025 and the same to be kept on record. In the explanatory note, the respondent No. 5 explains the mandatory height requirement for FPS godown and office space, the extract of such report is reproduced below:-

“the mandatory height requirement of 2.43 meters (8 ft.) for FPS godown and office space, stating inter alia, that “the minimum height requirement has been mandated to ensure that proposed shop cum godown conforms to basic building safety standards. Structures with a height lower than 2.43 meter fail to meet essential ventilation, illumination and fire safety provisions required for the safe storage of

essential commodities under the public distribution system.”

7. The petitioner relies upon a judgment dated 17.11.2025 being WPA 25752 of 2025 passed by the Coordinate Bench of this Hon’ble Court wherein it has been observed,

“an applicant should have a space of minimum 300 Sq.ft. along with a covered space of 100 Sq.ft adjacent to the godown to be used for office purpose for weighing and e-Pos operation. Total number of compartments for shop and godown should not exceed 3 and should be adjacent/connected to each other. However, if the godown and shop are accommodated in the single compartment, the area should be minimum of 400 sq. ft.”

8. The counsel appearing for the state respondents further submits that since the height of the office space does not match with the requirement mentioned in the vacancy notice, the system does not accept at the time of submitting the applications electronically.

9. In this context the State draws the attention of this Court to Para 4 of the report dated 02.12.2025 which is reproduced below:-

“Automated eligibility screening under the online system: As per departmental protocol, the online enquiry portal conducts and automatic infrastructural eligibility check. If either the Godown or the Office/Shop area is found to be below the prescribed 2.43 metre height, the system categorically marks the application as “Ineligible”. Such applications cannot be processed further, marking compliance a prerequisite for initiation of the selection procedure.”

10. In conspectus of the above as adumbrated, I find that upon a close reading of the notification and the notice it is evident that the respondent No. 5 has fundamentally misconstrued and misconceived the requirement as stipulated in Clause 8 iv (c) and (a) of

the vacancy notice, thereby applying an erroneous standard being alien to the vacancy notice. It is a settled proposition of law that the rules of game cannot be altered after the recruitment process has commenced. The impugned action taken by the authority exhibits a clear fundamental misconception of the mandatory requirement mentioned in the vacancy notice, thereby vitiating the entire selection process.

11. It is observed in *Ashish Kumar Vs. State of U.P. and Others* reported at (2018) 1 NSC 81 wherein it has been observed that “it mandates that recruitment advertisement must be drafted with clear and unambiguous language to prevent misrepresentation. Moreover, it reinforces the judiciary roles in ensuing that administrative actions to comply with statutory provisions thereby safeguarding the candidate’s right against the arbitrary exclusion”.

12. On perusal of the record this court finds that the authority has misconstrued the intent of the requirement of “size of godown and shop for running ration shop”. The authority has erroneously restricted and considered the height of the shop instead of the height of the godown which is a misconceived notion that has led to the unwarranted

exclusion of the petitioner. In this context, the interpretation of the authority is antithetical to the purpose of the Notification.

13. In view of the above the finding of the respondent No. 5 is found to be baseless, capricious which runs contrary to the mandate of the requirement as laid down in the vacancy notice and is thus hereby quashed and set aside. I direct the DLFPSSC to revisit the issue by considering the representation dated 11.07.2025 in the light of the Notification dated 10.04.2023 and the Clause 8(iv)(a) and (c) of Part 2 as embodied in the vacancy notice dated 15.05.2024. The authority concerned shall pass a reasoned order in accordance with law within 4 weeks from the date of communication of the order upon affording opportunity of hearing to the petitioner and other stakeholder, if any, and communicate such decision within a week thereafter.

14. However, it is made clear that DLFPSSC shall peremptorily conclude the entire selection process preferably within a period of 60 days.

15. The interim order granted on 7th November 2025 shall continue till the decision is taken by the DLFPSSC.

16. The writ petition is disposed of without taking any exception of the merits of the case.

(Smita Das De, J.)