

25.02.2026

Item No.14

Crt.No.10

b.r.

WPA 26506 of 2022

Subhayu Saha

-vs-

The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)

Ms. Sangita Banerjee

.... For the petitioner.

Ms. Amrita Panja Moulick

... for the State.

1. Heard the parties through their respective Learned counsels.
2. The petitioner in the instant case challenges inter alia, the validity and the legality of the offer letter issued in favour of the respondent No. 7 by the respondent authorities for dealership against new resultant vacancy under Memo No. 1206/SCFS/SURI dated 08.11.2022 to function as a dealer at near Dubrajpur TB Hospital of Village Niramoy, P.O. and Gram Panchayat Hetampur, Mouza Mohanpur, P.S. and Block Dubrajpur, District Birbhum.
3. The Learned counsel appearing for the petitioner submits that despite having requisite qualification, the petitioners candidature has been rejected mainly on the ground of not having a shop cum godown as per the

specification mentioned in the Clause 12(IV) of Part II of the Vacancy Notice dated 03.01.2022.

4. An inspection has been conducted on 24.02.2022 by the Enquiry Officer but the report is not commensurate with the documents submitted by the petitioner at the time of inspection.
5. The petitioner submitted a representation on 14.03.2022 but the same remains pending for consideration.
6. The authorities concerned has arbitrarily and illegally granted the licence in favour of the private respondents without considering the representation pending for disposal.
7. The Learned counsel for the State vehemently opposes the same and submits that the entire licence has been granted in favour of the private respondent in the month of November 2022 in accordance with law and the same being run in a seamless manner by catering to the needs of the public at large.
8. The learned counsel draws the attention of this Court to paragraph No. 5 of the report affirmed on 23.02.2023 where from it appears that as per the sketch map annexed to the instant Writ Petition a verandah has been portrayed as a

godown without having a pucca structure. Moreover, makes a false statement by way of an affidavit indicating thereby that the petitioner is in possession of more than 600 sq.ft. area enclosed within four walls of the godown and office which runs contrary to the condition laid down in the said notification.

- 9.** It also appears that the petitioner admittedly did not have any godown and has also not obtained any No Objection from the Panchayat Pradhan for construction of the godown being one of the mandatory requirement to qualify to be a suitable candidate for the grant of FPS licence.
- 10.** After hearing the rival contentions of the parties, I find a gross anomaly is apparent from the records based on the enquiry held on 24.02.2022 since the same is not commensurate with the documents annexed to the Writ Petition.
- 11.** In view of such the petitioner is directed to make a comprehensive detailed representation by enclosing all relevant documents before the respondent No. 3 within a period of two weeks. Upon receipt of the same the respondent No. 3 shall proceed to consider the issue involved herein afresh within a period of 60 days with

the assistance of the inquiry officer and shall pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner, private respondents and other stakeholders if any, shall arrive at a logical conclusion. Such decision shall be communicated within a week thereafter.

12. It is made clear that since licence has already been granted in favour of the private respondent and is running the shop without any hinderance therefore, for the sake of interest of the public at large, the private respondent shall not be restrained from running the FPS Dealership till the decision of the respondent No. 3 attains the finality.

13. The learned counsel appearing for the State prays for stay of the operation of the order. Such prayer is allowed for a week from the date of communicate of this order.

14. With the above observations and direction, the writ petition stands disposed of without going into the merits of the case.

15. With the above observations and directions, the writ petition, **WPA 26506 of 2022** 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.)