

17.02.2026
Item No.04
Court No.11
Avijit Mitra

**MAT 2105 of 2025
with
IA No.CAN 1 of 2025**

**Siddheswar Raj
- Versus -
The State of West Bengal & ors.**

Mr. Subhabrata Datta,
Mr. Debashis Sarkar,
Mr. Jatindra Barik
....for the appellant
Mr. Swapan Kumar Datta, Ld. G.P.,
Mr. Joyak Kumar Gupta,
Mr. Subrata Bhattacharya
....for the State

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 7th November, 2025 passed by the learned single Judge in a writ petition being WPA 21627 of 2025.

Mr. Subhabrata Datta, learned advocate appearing for the appellant submits that the appellant applied for grant of license against the vacancy existing at Bar Baichberya-22, Post Office-Uttar Santanchak, Police Station-Nandakumar, District-Purba Medinipur for Fair Price Shop (Ration Shop) in response to a notification dated 29th May, 2024. Along with the said application, a sketch map prepared by a certified

Surveyor was also uploaded by the appellant in consonance with the provisions of clause 4 of the notification. Subsequent thereto, an enquiry was conducted on 24th September, 2024 but thereafter the authorities maintained a deceptive silence. While browsing the *website* in the month of August, 2025, the appellant came to learn that his application has been '*rejected*'. A downloaded copy of the said document would reveal that no reason whatsoever was disclosed in support of such rejection though the respondents were under an obligation to detail the reasons for such rejection.

Drawing our attention to an enquiry report annexed to the affidavit-in-opposition, he submits that under clause 52 pertaining to godown with separate office space, it has been indicated that the area was of 366.14 sq.ft., which is totally contradictory to the appellant's godown space as indicated in the sketch map uploaded in the *website*. Such argument, as advanced, was glossed over by the learned single Judge and the matter was relegated for further consideration to the self-same authorities, who had earlier rejected the appellant's application.

He further submits that after receiving the opposition, a fresh sketch map was prepared by a certified Surveyor and the same has been annexed to

the affidavit-in-reply. The measurements given in the reports of the certified Surveyor do not tally with the measurement incorporated in the enquiry report.

By an order dated 16th January, 2026, we directed the parties to exchange their affidavits and such direction has been complied with.

Such contention has, however, been denied and disputed by Mr. Swapan Kumar Datta, learned Government Pleader appearing for the State respondents and drawing our attention to a document annexed at page 39 of the affidavit-in-opposition, he submits that the said document bears the signature of the appellant and the measurement of the godown has been indicated by him to be of 366.14 sq. ft. which tallies with the measurement incorporated in the enquiry report. Having signed the said document, the appellant cannot take a different plea at this stage and the issue, accordingly, involves disputed question which cannot be gone into in the present proceeding.

In reply, Mr. Subhabrata Datta submits that on the date of enquiry, the appellant was asked to sign on a blank form in which only column nos. 2 and 3 were only filled up in printed words.

Disputing such contention Mr. Swapan Kumar submits that three applicants applied the vacancy and all the three applications have been rejected and

steps have already been taken for re-notification of the concerned vacancy and that as such no interference is called for at this stage.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The notification itself provides for an opportunity to the applicant to upload documents in support of the measurement of the godown. It appears that pursuant thereto, a sketch map prepared by a certified Surveyor was uploaded by the appellant stating that the office space was of 120 sq.ft. and the godown space was of 689 sq.ft. Such measurement does not tally with the space as indicated in the enquiry report. The document uploaded in the *website* pertaining to appellant's application reveals that the same is a cryptic one and no reason has been assigned to support the decision of rejection.

In the said conspectus, we are of the opinion that the issues urged by the appellant needs to be reconsidered by the appropriate authority being the respondent no.3 upon conducting an enquiry at the proposed shop-cum-godown site of the appellant.

Accordingly, this Court directs the appellant to submit a comprehensive representation including the sketch map uploaded with the application as well as

the sketch map prepared subsequently, as annexed to the affidavit-in-reply along with all other supporting documents and a copy of this order, within a period of 10 days from date.

Upon receipt of the said application, the respondent no.3 shall conduct a physical enquiry at the proposed shop-cum-godown site of the appellant through a competent officer, in the presence of the appellant and thereafter take a reasoned decision, upon granting an opportunity of hearing to the appellant and other interested parties, if any and communicate the decision to the appellant within a period of six weeks thereafter.

Till such decision is communicated to the appellant, the vacancy shall not be re-notified by the respondents.

It is made clear that we have not gone into the merits of the appellant's claim and all issues are kept open to be considered by the respondent no.3.

With the above directions and observations the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)