

17.6.2026
ct no. 10
Sl. 29
AGM

WPA 27735 of 2025

Papai Adhikari

-Versus-

State of West Bengal and Ors.

Mr. Syed E. Huda.
Mr. Sk. Aptabuddin.
Ms. Nabeela Akbar.

...for the petitioner.

Mrs. Manju Agarwal.
Mr. Bijitesh Mukherjee.

... for the State.

1. Despite service the State respondent remains unrepresented.
2. None appears on behalf of the State respondent despite service.
3. Affidavit-of-service filed in Court today is taken on record.
4. Mrs. Manju Agarwal, Additional Government Pleader and Mr. Bijitesh Mukherjee, learned advocates are engaged in this matter. Their appearances be accordingly regularized from the office of the Legal Remembrancer.
5. The petitioner in the instant case applied for an MR/FPS dealership for the vacancy at Service Area at Mouza- Hariharpur, J.L. No. 136, Village- Hariharpur, Gram Panchayat-Durgapur, Block- Bhangar-I, P.S. Bhangore, P.O. Iswaripur, West Bengal-743502 pursuant to vacancy notification vide Memo No. 1126 /SC /FS /BRP

/FPSVACAN/22 dated 20.10.2022 bearing vacancy no. 202200241802.

- 6.** Upon comprehensive evaluation, the candidature of the petitioner has been found to be the most eligible for appointment to the said dealership. The Selection Committee recommended the name of the petitioner for issuance of the licence.
- 7.** Despite such recommendation and completion of all statutory formalities, the licence has not been issued to the petitioner till date. No cogent reason has been assigned by the department for withholding the same.
- 8.** Due to continued inaction the petitioner made an application dated 26.09.2025 under the Right to Information Act, 2005 seeking affirmation and relevant documents in respect of the said vacancy notification.
- 9.** The respondent No. 4 by reply dated 12.11.2025 indicated that the selection process has been completed.
- 10.** The petitioner made a further representation before the authority concerned on 09.10.2025. However, the same remains pending for consideration. It is urged that despite approval and recommendation, inaction on the part of the respondent authorities is not issuing the licence is arbitrary, illegal and violative of Article 14 and 19(1)(g) of the Constitution of India.

- 11.** The petitioner has a legitimate expectation for grant of licence and the Department is under a public duty to act fairly, reasonably and without undue delay.
- 12.** The Learned Counsel for the state respondent states that it is unable to apprise this Court with regard to the exact stage of the selection process in respect of vacancy ID 202200241802 and seeks time to obtain specific instruction from the Department with regard to the issues involved herein.
- 13.** Having heard the Learned Counsel appearing for the parties and upon perusing the materials on record this Court finds that the petitioner has been able to make out a prima facie case of arbitrary inaction on the part of the state respondents.
- 14.** The RTI reply dated 12.11.2025 issued by the respondent No. 4 itself indicates that the selection process has been completed. Once the selection committee has recommended the name of a candidate and all formalities are complete, the Department cannot indefinitely withhold the issuance of licence without assigning any cogent reasons.
- 15.** Such inaction is contrary to the principles of fairness, reasonableness and non-arbitrariness in administrative action as enshrined under Article

14 of the Constitution of India. A candidate found most eligible cannot be made to suffer due to administrative lethargy.

- 16.** The state counsel's inability to apprise the court of the current status despite the matter pending since 2022 reflects a lack of diligence on the part of the Departments.
- 17.** The matter has been pending for a considerable period of time public interest and interest of beneficiaries of the public distribution system demands the vacancy to be filled up expeditiously.
- 18.** In view of the above, interference by this Court is warranted and directs the authorities to take a decision in a time bound manner without going into the merits of the case.
- 19.** Respondent No. 4 is directed to consider and dispose of the petitioner's representation dated 09.10.2025 within a period of three weeks from the date of communication of this order. A reasoned order shall be passed in accordance with law upon affording an opportunity of hearing to the petitioner and other stakeholders, if any and the decision shall be communicated within a week thereafter.
- 20.** If the selection process in respect of the said vacancy has not been concluded, the respondent authorities shall proceed with and conclude the same as expeditiously as possible preferably

within a period of six weeks, from the date of communication of this order. It is also made clear that if the selection process has already been completed and the petitioner has been recommended by the selection committee the respondent authority shall take steps forthwith to issue the licence in favour of the petitioner within a period of four weeks from the date of communication of this order subject to compliance with all statutory formalities.

- 21.** With the above observation and direction the Writ Petition is disposed of without going into the merits of this case.
- 22.** Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Smita Das De, J.)