

19.01.2026  
Item No.6  
Court No. 10  
AGM

**IN THE HIGH COURT AT CALCUTTA**

Civil Appellate Jurisdiction  
Appellate Side

**W.P.A. 6533 of 2025**

**Sudip Sarkar**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Debabrata Saha Roy. Sr. Adv.  
Mr. Pingal Bhattacharyya.  
Mr. Subhankar Das.

... For the petitioner.

Mr. Sirsanya Bandopadhyay. Sr. Standing Counsel.  
Mr. Ritesh Kumar Ganguly.

... For the State.

1. The matter has been heard in extenso.
2. The petitioner in the instant writ petition has challenged Clause 11 sub-clause (v) under Chapter III of the West Bengal Targeted Public Distribution System (Maintenance & Control) Order, 2024 dated 1<sup>st</sup> August, 2024.
3. It is submitted that in the earlier Control Orders of 2003 and 2013, there is no reflection of age limit.
4. It is further submitted that the age limit has been restricted at the entry point of commencing a business of FPS dealership which remains to continue even after attaining an advanced age without imposing any restrictions, reflects the arbitrariness of the Department to allow the dealers to continue without any age relaxation.
5. The instance of curtailing the age limit cannot be equated with any service matter where there is an upper age limit.
6. The petitioner has relied upon two judgments. In **Brij**

**Mohan Lal -vs- Union of India & Ors** reported in **(2012) 6 SCC 502** by relying upon paragraph 100 to demonstrate that the Court can interfere with the policy decision of State, which is reproduced below:

**“100.** Certain tests, whether this Court should or not interfere in the police decisions of the State, as stated in other judgments, can be summed up as:

- (i)** If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.
- (ii)** The change in policy must be made fairly and should not give the impression that it was so done arbitrarily on any ulterior intention.
- (iii)** The policy can be faulted on grounds of mala fides, unreasonableness, arbitrariness or unfairness, etc.
- (iv)** If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.
- (v)** It is de hors the provisions of the Act or legislations.
- (vi)** If the delegate has acted beyond its power of delegation.”

7. In the same context he relies upon another judgment in the case **Indian Council of Legal Aid & Advice and Others -vs- Bar Council of India and Another** reported in **(1995) 1 SCC 732** to demonstrate that where there is no upper age limit at the entry point, there cannot be any restriction.

8. Mr. Debabrata Saha Roy concludes his submissions.

9. The State respondents are directed to make his submissions on the next returnable date.

10. Let this matter appear on 30<sup>th</sup> January, 2026 at 12 noon.

[Smita Das De, J]

