

18.05.2026
Item No.23
Ct. No. 10
BR

WPA 7174 of 2026
Mustaque Gazi
-vs-
State of West Bengal and Ors.

Mr. D. Saha Roy,
Mr. Lakshminath Bhattacharyya
..... for the petitioner

Sk. Aptahuddin
.... For the respondent no. 7

1. Despite service, none appears on behalf of the State respondents.
1. Learned counsel appearing for the petitioner files a supplementary affidavit which was affirmed on 6th May, 2026 enclosing office information received under the RTI Act. A copy of the same has already been served upon the private respondents and the same be kept on record.
2. Petitioner in the instant case challenges inter alia the legality and validity of the decision taken by the respondent no. 6 in respect of private respondent no. 7 for appointment as M.R. Dealer of F.P. shop at Central location, Lalpur, District-South 24-Parganas in terms of vacancy notice dated 28.1.2025.
3. It is submitted by the petitioner that the private respondent no. 7 is not eligible to be appointed as M.R.Dealer of F.P.

Shop since the private respondent fails to meet the eligibility criteria, including the size of his go down.

4. Learned counsel appearing for the petitioner relies upon a document annexed to the supplementary affidavit to demonstrate to this Court that the marks awarded in respect of Godown Height and Godown Plinth are contrary to the facts on record, in so far as respondent no. 7 is concerned.
5. The petitioner submits that as per the enquiry conducted by the Enquiry Officer dated 21.5.2025 it appears from serial no.5 that the height of the godown from the ground floor is 1 ft. 8 inch which is far below the minimum height prescribed in the vacancy notification dated 28.1.2025.
6. Learned counsel appearing for the private respondent vehemently opposes the submission and seeks leave to file affidavit –in-opposition.
7. In view of the above, I find that the petitioner has been able to make a prima facie case and interference is warranted at this stage.

8. Learned counsel appearing for the private respondent is directed to file an affidavit-in-opposition within three weeks reply if any, within one week thereafter.
9. In the meantime, the selection/appointment of private respondent No. 7 as M R Dealer of F.P. shop at central location, Lalpur, pursuant to vacancy notice dated 28.11.2025 shall remain stayed.
10. The respondent authorities are restrained from issuing license, executing agreement, or effecting tagging of dealers in favour of respondent No 7 till the next date of hearing.
11. Let this matter be listed on 10th June, 2026 fairly at the top.

(Smita Das De, J.)