

10.06.2026
rc/ct.no.10
Item No.10

WPA No. 7174 of 2026
Mustaque Gazi
Versus
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Lakshminath Bhattacharjee..for the Petitioner

Syed E. Huda
Sk. Aptabuddin
Ms. Saima Amin ..for the respondent no. 7

Ms. Ranjana Chatterjee ...for the State

1. Inadvertent error has crept into the order passed on December 23, 2025.
2. In the 6th line of the 6th paragraph of the said order the word “below” be read as “above”.
3. The department is directed to incorporate necessary correction.
4. This order be treated as part of the order dated December 23, 2025.
5. On the prayer of the petitioner liberty is granted to add “District Level Fair Price Shop Selection Committee” as party respondent in this writ petition.
6. The petitioner is directed to serve a copy of the petition along with annexure thereto upon the newly added respondent and file affidavit service to that effect.

7. Heard learned counsel for the respective parties.
8. Despite there being a direction for filing affidavit in opposition the private respondent no.7 does not wish to file any affidavit in opposition and makes oral submission that the interim order granted earlier dated May 18, 2026 be vacated.
9. The petitioner files a supplementary affidavit affirmed on May 21, 2026 to bring on record material for demonstrating that the petitioner is the most eligible candidate as per the requirements mentioned in the vacancy notification dated January 28, 2025. The petitioner also draws the attention of this Court to page 7 of the supplementary affidavit to show that the height of the godown from the ground level is 1'8" much above the plinth level as mentioned in the said notification.
10. The private respondent places reliance on a document dated May 21, 2026 to show that the height of the godown from the ground level is 3' which is much above the height mentioned in the said notification. He further relies upon the notification dated May 22, 2023 to substantiate that as per the clause 10 thereof, the height of the godown from the road level or ground level shall be awarded 5 marks if the same is above 3' and 2 marks if the same is 2' to 3'.

11. Subsequently he relies upon another notification dated April 04, 2024 from where it transpires that the serial no. 10 and the entries relating thereto substitute the following Sl. No. and the entries relating thereto.

10.	Plinth Height of the Godown from the adjacent Road level or Ground level of the premises	Marks
	a) Above 2 ft.	5
	b) 1ft. to 2 ft.	2

12. From the notifications it is very much apparent that the assessment made by the concerned authority is not in consonance with the amendments that have substituted the earlier serial number and the entries mentioned in the notification which forms a part of the vacancy notice in question.
13. In view of the above, I find that for the proper adjudication of the issue involved herein the matter cannot be decided without the report of the State respondents.
14. I direct the respondent no. 5, 6 and 8 to file a report in the form of affidavit relating to the assessment of the candidature for awarding of marks in respect of the petitioner and the private respondent, and also with regard to the procedure

held by the enquiry officer for arriving at a conclusion with regard to the candidature of the petitioner and the private respondent.

15. On the prayer of the respondent no. 7 liberty is granted to file an affidavit in opposition on or before the next date of hearing.
16. Let this matter appear under the same heading on July 08, 2026.
17. Interim order granted earlier shall remain in force till July 08, 2026 or until further orders whichever is earlier.

(Smita Das De,J)