

20.05.2025
Item No.18
Ali
ct. no.24

WPA 7057 of 2025

**Swapn Kumar Mondal
Vs.
State of West Bengal & Ors.**

Mr. Sabyasachi Chowdhury, Sr. Adv.
Mr. S.E. Huda,
Sk. Aptabuddin,
Ms. Nabeela Akbar

..... for the petitioner.

Mr. Santanu Kumar Mitra, Sr. Adv.
Mr. Amartya Pal

.....for the State.

The petitioner is running a Fair Price Shop (FPS in short) at Village-Dharampur, P.O.- Dangapara, Dist.-Murshidabad within Mouza-Dharampur having lawful possession of godown space at Plot No.947 under the same Mouza.

It is the contentions of the petitioner that he is performing business following the relevant guidelines of the concerned department by providing and supplying ration articles at the doorsteps of the beneficiaries (under Duare Ration Scheme). Suddenly, the concerned Sub-divisional controller Lalbagh, Murshidabad declared a new vacancy notification vide Memo No.1123/SCL/MSD/24 dated 26th of December, 2024 for the same service as wherein the petitioner is catering foodgrain.

It is the contentions of the petitioner that the declaration of vacancy by the Sub-divisional

controller is violative to the guidelines issued by the Government of West Bengal dated 3rd of September, 2021 and by such notification, if any person was appointed the business of the petitioner would be economically viable.

Learned counsel appearing on behalf of the State authority submits that the vacancy notification was published in terms of Notification dated 28th March, 2023 the DRS of the present petitioner is over populated.

Having heard the learned counsel for the parties; it appears that the matter cannot be disposed of without giving an opportunity to the State respondent to file report. Let the report, containing justification to issue new vacancy notification and also explanation to that of the 2021 guidelines as well as the relevant and necessary guidelines to that effect be placed on record.

State is permitted to file a comprehensive report in the form of affidavit within two weeks after ensuing summer vacation.

Exception/reply, if any, be filed within one week thereafter.

List the matter in the 3rd week of June, 2025.

(Subhendu Samanta, J.)

