

17.08.26
31Ct. No.10
Sws.M

WPA 9267 of 2026

Siddheswar Raj
vs.
The State of West Bengal &Ors.

Mr. Subhabrata Datta
Mr. Debashis sarkar

....for the petitioner

Mr. Soumen Bhattacharya

....for the State-respondents

1. Affidavit of service filed by the petitioner is taken on record.
2. Despite service of notice, State remains unrepresented in Court today.
3. Mr. Soumen Bhattacharya, learned advocate, who is present in Court, is engaged in this matter on behalf of the State. His appearance be regularized accordingly from the office of the Learned Government Pleader.
4. The present writ petition has been filed challenging the legality, propriety and validity of the order dated 25.03.2026, passed by the District Controller, Purba Medinipur being the respondent No. 3 herein.
5. The core issue involved herein is whether the rejection of the petitioner's candidature for grant of Fair Price Shop licence pursuant to vacancy notification Vacancy ID : 202200247417, Memo No. 256/MR/TFS/24 dated 29.05.2024 for Mouza

: Bar Baichberya -22, P.S. Nandakumar, Dist.-
Purba Medinipur is sustainable in law.

6. Pursuant to the vacancy notification dated 29.5.2024, the petitioner submitted an application for grant of FPS licence.
7. By an order dated 2.9.2025, the candidature of the petitioner has been rejected on the ground that the area of the proposed godown has been lesser than the area prescribed under the notification.
8. Aggrieved thereby, the petitioner filed WPA 21627 of 2025. By an order dated 7.11.2025, a Coordinate bench directed respondent no. 3 to consider the petitioner's representation within 60 days.
9. The petitioner being aggrieved by the order dated 7.11.2025 preferred an appeal being MAT 205 of 2025 before the Division Bench of this Court. By an order dated 17.2.2026 the Division Bench directed respondent no.3 to conduct a physical enquiry at the proposed shop cum godown site in the presence of petitioner and thereafter to pass a reasoned order after granting an opportunity of hearing to the petitioner and other interested parties.
10. In compliance with the said directions, respondent no. 3 passed the impugned order dated 25.3.2026

which is the subject matter of challenge in the present writ petition.

11. Learned counsel appearing for the petitioner submitted that pursuant to the direction of the Division Bench, the petitioner duly participated in the physical enquiry and submitted all relevant documents.
12. It is contended that the scope of consideration before respondent no.3 is limited to the issue of 'measurement of the godown' as specifically directed by the Division Bench.
13. However, it is submitted that while passing impugned order dated 25.3.2026, respondent no. 3 has taken into consideration additional grounds which have neither been part of the earlier rejection order nor within the purview of the directions issued by the Division Bench.
14. Learned Counsel submits that such action is arbitrary, contrary to the directions of the Division Bench, suffers from non application of mind, and is liable to be set aside.
15. It is prayed that the impugned order be quashed and a direction be issued upon the respondents to reconsider the candidature of the petitioner strictly in accordance with law and in terms of the Division Bench order.

16. Learned counsel appearing for the state respondents submits that the impugned order dated 25.3.2026 has been passed after due consideration and in compliance with the direction of the Division Bench.
17. It is submitted that the state requires time to obtain instruction and to place on record the entire file including the enquiry report and the reasons for rejection of the petitioner's candidature and prays time to file a report before this court.
18. Having heard the parties and upon perusing the material available on records, this court has taken judicial notice of the earlier orders passed by the Coordinate Bench and the Division Bench.
19. Prima facie, it appears that the scope of consideration before respondent no. 3 has been confined to the measurement of the godown' as directed by the Division Bench. The allegation that additional grounds have been taken in the impugned order, requires examination on the basis of records.
20. In order to arrive at a just and proper adjudication of the issue involved herein, this court is of the view that the State respondent must produce the original records pertaining to the enquiry and place a report before this court.

21. The state respondents are directed to produce a original report pertaining to the enquiry held by the enquiry officer and to file a report before this court within 4 weeks from date.
22. Liberty is granted to the petitioner to file an exception if any, to the report thereof within two weeks thereafter.
23. In the mean time the respondent authorities are restrained from taking any further steps in furtherance of the vacancy notification dated 29.5.2024 until further orders.
24. Let the matter appear for further consideration on 31.8.2026.

(Smita Das De, J.)