

WPA 15593 of 2026

KAbalu Sarkar
vs.
State of West Bengal & Ors.

Mr. Ramesh Dhara
Mr. Gourav Banerji

.....for the petitioner

Mr. Nikunj Berlia, ld. AGP
Mr. Bijitesh Mukherjee

.....for the State-respondents

1. Affidavit of service filed in Court today be kept with the records.
2. The petitioner in the instant case challenges the approval granted in favour of respondent No. 6 and the rejection of the petitioner's application for FPS licence pursuant to vacancy notification dated 15.05.2024 without assigning reasons.
3. Apropos the facts of the case, the petitioner submitted his application pursuant to the notifications dated 15.05.2024 on 21.08.2024 in prescribed electronic form along with all requisite documents and application form. Thereafter, an enquiry has been conducted at the proposed shop-cum-godown of the petitioner on 26th December, 2024. Subsequent thereto, a personal hearing has been granted to the petitioner on 18th September, 2025. Thereafter, on 15th June, 2026, the petitioner came to know from the office of the respondent no. 3 that the selection of the respondent No. 6 has

already been approved by rejecting the petitioner's application.

4. It is further submitted on behalf of the petitioner that without assigning any reason, the respondent authorities have arbitrarily and illegally rejected the application submitted by the petitioner, which is not sustainable in the eye of law.
5. It is further submitted that the petitioner is the most suitable candidate, since the godown of the respondent No. 6 is situated on Barga Land.
6. Despite being the most suitable candidate, the application of the petitioner has been rejected. Hence the same is liable to be set aside.
7. It is also submitted by the petitioner that the godown of the respondent No. 6 is situated on Barga Land of Dag No. 364, Khatian No. 600 and is classified as Vitti. Such godown of the respondent No. 6 is not in accordance with the criteria mentioned in the vacancy notice.
8. It is further stated that even after the enquiry has been made on two occasions, the respondent No. 4 has approved the selection of the respondent No. 6 which is arbitrary and in excess of jurisdiction.
9. Mr. Nikunj Berlia, learned Additional Government Pleader appearing for the State submits that in respect of the said notification only an approval letter has been granted in favour of the respondent

No. 6 due to the pending proceedings of an Hon'ble Division Bench of this Court.

10. Having heard the learned counsel for the parties and upon perusal of the material on records, this Court finds that the petitioner has been able to make out a case prima facie and the matter warrants interference at this stage, since in the instant case no licence has yet been granted in favour of the petitioner.
11. For the ends of justice, this Court finds that since the application of the petitioner has been rejected without assigning any reason, this Court directs the petitioner to submit a representation within a week from date before the respondent No. 3 and the same shall be considered within two weeks thereafter by passing a reasoned order in accordance with law, upon affording an opportunity of hearing to the petitioner and the respondent no. 6 and other stakeholders, if any, and such decision shall be communicated within a week thereafter.
12. However, it is made clear that respondent No. 3 shall conduct a fresh independent enquiry to determine who is the most suitable candidate as between the petitioner and respondent No. 6.
13. It is also made clear that the respondent No. 3 is at liberty to take necessary steps in accordance with law on the basis of the fresh enquiry that shall be

conducted with regard to the candidature of the petitioner and the respondent No. 6.

14. The respondent No. 3 shall ensure that the enquiry is conducted fairly, transparently, and in strict compliance with the terms and conditions stipulated in the vacancy notification dated 15.05.2024. Respondent No. 3 shall specifically examine and record findings the eligibility of respondent No. 6, particularly in light of the petitioner's contention that the godown of respondent No. 6 is situated on Barga Land classified as Vitti.
15. With the above observation and direction the writ petition stands **disposed of** without going into the merits of the case.
16. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Smita Das De, J.)