

16.7. 2024
item No.4
n.b.
ct. no.24

WPA 16986 of 2024

**with
CAN 1 of 2024**

**Md. Abdul Kader Molla.
Vs.
State of West Bengal & Ors.**

Mr. Debabrata Saha Roy,
Mr. Pingal Bhatttacharyya,
Mr. Subhankar Das,
..... for the petitioner.
Ms. Sonal Sinha,
Mr. Amrita lal Chatterjee,
..... for the State.

In Re. CAN 1 of 2024.

This is an application for appropriate order filed by the petitioner. It is the case of the petitioner that the instant writ petition was filed by the present petitioner, who is applied for FPS dealer by virtue of notification dated 26.5.2022. It is the case of the petitioner that he is the most suitable candidate to have the licence by virtue of notification dated 26.5.2022.

Mr. Saha Roy, learned advocate appearing on behalf of the petitioner submits that only to defraud or deny the candidature of the present petitioner, the State authority has issued a separate notification on May 30, 2024 in respect of impugned location. He submits that necessary direction may be made for cancellation of the new notification dated 30.5.2024.

Learned counsel appearing on behalf of the State raised strong objection and submits that the state authority has considered that the earlier notification cannot be allowed to be continue on some other grounds, which cannot be ascertained at this juncture. So, the new notification dated 30.5.2024 cannot be cancelled.

Learned counsel for the State further argued that the paper publication in respective of notification dated 30.4.2024 is yet to be made.

Having heard learned counsels for both the parties, it appears to me that the application being CAN 1 of 2024 cannot be disposed of without giving liberty to the State authority to file affidavit-in-opposition against the CAN 1 of 2024.

The State is directed to submit the affidavit-in-reply within a week.

List the matter on July 29, 2024 under the heading "To Be Mentioned".

Till then, the State authority is directed not to publish the said notification indicating advertisement of FPS vacancy in Newspaper.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)