

11.03.2026  
Item No.120  
AGM  
Ct. no.10

**WPA 16986 of 2024  
CAN 1 of 2024**

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

**Mr. Debabrata Saha Roy. Sr. Adv.  
Mr. Pingal Bhattacharya.  
Mr. Subhankar Das.  
..... for the petitioner.  
Mrs. Sonal Sinha.  
Mr. Amritlal Chatterjee.  
.....for the State.**

1. The petitioner challenges inter alia, the decision taken by the authority concerned in rejecting the application made for grant of license against the vacancy notice dated 26.5.2022 being Memo No. 478/SC/F&S/DH/2022 in respect of Keoratala Jamtala Haat PHC.
2. Learned counsel for the petitioner submits that an enquiry has been held on 6<sup>th</sup> December, 2022 wherefrom it appears that the petitioner is found to be eligible but not recommended since the proposes FPS is situated in between the main gate of Jamtala High Secondary School premises. Since roughly 11,000 plus students of Jamtala High Schools and the D.S.K. Ashram uses the only main gate to go to their school which is 200 metre away from the main gate.
3. Subsequent thereto, the Headmaster of both the schools lodged complaints before the authority

concerned for not granting the license in favour of the petitioner for running the proposed FPS ration shop.

4. The petitioner made a request to the headmasters of the schools to consider the prayer and requested to withdraw the complaint for the reasons as mentioned in the letter of request dated 17.6.2023 annexed p/6 at page 40 of the writ petition.
5. Thereafter, by a letter dated 15.7.2023 the headmasters of the schools withdrew their complaints regarding the proposed FPS for running of the FPS godown-cum-office at Jamtala Haat and the same has accordingly been informed by the petitioner to the authority concerned.
6. Learned counsel appearing for the petitioner submits that on the basis of the enquiry report dated 28.3.2023 it appears that the petitioner being the intending applicant fulfils all criteria as mentioned in the Notification dated 26.5.2022 and has been recommended with some conditions.
7. Thereafter, the District level Fair Price Shop Selection Committee (DLFPSSC) rejects the application on the ground, which is reproduced below:

“The applicant complies with 1707-FS partially as the overall area is more than 600 sq. ft. (godown size being 549 sq. ft. shop size 159 sq. ft.) and 1706-FS (read with the subsequent orders) but it is evident from the uploaded pictures the roof of the proposed place is leaky and there appears to be no ventilation at all. It appears to be susceptible

to damp. Hence, it can be concluded the proposed place in its present condition is not suitable for running as FPS business. Therefore the instant application is not recommended.”

8. The petitioner submits that despite fulfilling all the conditions, the candidature of the petitioner has been rejected on separate grounds not included in the enquiry report.
9. Learned counsel for the State submits that already the authority concerned have arrived at a finding that on the basis of certain uploaded pictures of the godown-cum-shop office for running the proposed FPS ration shop, it appears that the roof of the proposed place is found to be leaky and lacks ventilation which runs contrary to the conditions mentioned in Clause 12 (iv) of Part II of the vacancy notice.
10. Having heard the learned counsel for the parties at length and upon perusing the available records, I find that the State respondents must demonstrate by producing the relevant documents, the necessity of a second enquiry to reach a finding contrary to the earlier report by filing a report in the form of an affidavit.
11. Matter to appear on 1<sup>st</sup> April, 2026 at 2 p.m.

**(Smita Das De, J)**