

16.9. 2025
item No.47
n.b.
ct. no. 24

WPA 21008 of 2025

Md. Tafajjal Islam
Vs.
State of West Bengal & Ors.

Mr. Syed. E. Huda,
Sk. Aptabuddin,
Ms. Nabeela Akbar,
..... for the petitioner.
Mr. Rajarshi Basu,
Mr. Anirban Datta,
.... For the State respondent.

Affidavit of service filed by the petitioner be taken
on record.

Petitioner running business of FPS licence issued
by the Su-Divisional Controller (F&S), Government of
West Bengal vide licence no.DCFS-MUR-LBG-
133302000031-24. Petitioner challenged the impugned
vacancy notification dated June 13, 2023, which was
issued by the concerned authority under West Bengal
Public Distribution System(Maintenance & Control)
Order, 2013.

It is the contention of Mr. Huda, learned counsel
appearing on behalf of the petitioner that after
promulgation of National Food Security Act, 2013 and
Targeted Public Distribution System(Control) Order,
2015, the WBPDS(Maintenance & Control) Order, 2013
on the basis of which impugned vacancy notification was
published, has become redundant.

It is the contention of Mr. Huda that the issue involved in the instant writ petition is also pending for determination before the Hon'ble Division Bench in MAT 1543 of 2024 wherein the Division Bench has passed an interim order, which is existing till November 30, 2025. He prayed for similar interim order in terms of the direction of Hon'ble Division Bench.

Learned counsel appearing on behalf of the State respondent submits that the instant writ petition is not at all maintainable. He submits that the petitioner has made a detailed representation to the authority on August 25, 2025. On the basis of his representation, the authority concerned has replied/disposed of representation vide memo dated August 27, 2025.

It is further contention of the learned counsel for the State respondent that in the instant writ petition such memo is not under challenged. Thus, the instant writ petition is not at all maintainable.

The brief case history issued by the Sub-Division Controller is taken on record.

Having heard learned counsel for the parties and also considering the brief case history, it appears that the enquiry was done by the concerned Inspector on January 27, 2025, since then the matter for appointment of new FPS dealer has been stalled due to pendency of the matter before the Hon'ble Division Bench.

Having heard learned counsel for both the parties and also considering the situation prevalent herein, it appears that the petitioner has challenged the impugned vacancy, which was published on the basis of the control order, 2013. It is admitted by the parties that the matter is sub-judice before the Hon'ble Division Bench.

Under the above circumstances, I think it necessary to pass the similar order to that of the order passed by the Hon'ble Division Bench in MAT 1543 of 2024.

Under the above circumstances, considering the nature, prayer made herein, the respondent authority may proceed with the selection process of the impugned vacancy notification. But so far as issuance of licence is concerned, the same would not be issued to any person till the disposal of MAT 1543 of 2024 pending before the Hon'ble Division Bench of this Court or until further order.

Let the matter appear in the list second week of December 2025 under the same heading.

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

(Subhendu Samanta, J.)