

29.09.2023

Sl. No.11.

Mithun

Ct.No.42.

WPA 23311 of 2023

Swadesh Ranjan Maji

Vs.

The State of West Bengal & Ors.

Mr. Ram Anand Agarwala,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray

...for the petitioner.

Mr. T.M.Siddiqui,
Mr. Ritesh Kr. Ganguly

...for the State.

Affidavit of service be taken on record.

As per the existing provision, Data Entry Operator of a Block who is a Government Employee has been given the responsibility to enter into the name of the beneficiaries of Public Distribution System. Only after the name of such beneficiaries are recorded and Digital Ration Cards are issued, the licensee is under obligation to distribute ration articles to any of the family members of the beneficiaries after taking the biometric impression of one of such family members. It is alleged against the petitioner who is a licensee of a fair price shop that he misappropriated foodgrains and ration articles under Public Distribution System by entering fictitious names in the system maintained by the Data Entry Operator.

The petitioner has alleged that he has no access to the computer password of the Data Entry Operator and, therefore, question of making entry of fictitious names of beneficiaries does not arise at all.

The instant writ petition is admitted.

The State respondents are directed to file a report in the form of affidavit or affidavit-in-opposition, as the case may be and served the same to the learned Advocate for the petitioner within one week after vacation.

The learned Advocate on record for the petitioner is at liberty to file affidavit-in-reply within 10 days from the receipt of the report/affidavit-in-opposition.

In the meantime, the State respondents shall not declare any vacancy in respect of the fair price shop in question.

The writ petition be listed under the heading "Hearing" in the Monthly List of December, 2023.

(Bibek Chaudhuri, J.)