

18.09.2024
item No.23
Ali
ct. no.24

**WPA 24141 of 2024
with
IA No.:CAN/1/2024**

**Rohidul Islam
Vs.
State of West Bengal & Ors.**

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das

..... for the petitioner.

Re.:CAN 1 of 2024

This is an application for interim order in respect of stay of vacancy declaration notice dated 08.07.2022 issued by the Sub-divisional Controller (F & S), Domkal Murshidabad for the location Pirojpur, Juranpur G.P., under Domkal Sub-Divisionin, District- Murshidabad.

Mr. Pingal Bhattacharyya, learned counsel submits that initially at the time of filing of the instant writ petition this Court has passed an interim order till the disposal of appeal pending before the Division Bench presided over by The Hon'ble The Chief Justice. He submits that the appeal before the Division Bench has been disposed of.

Mr. Bhattacharyya further argued that the similar issue was involved in the batch of writ petitions and on the basis of the order passed by a Coordinate Bench of those writ petitions, the petitioner of those writ petitions has preferred an appeal before the Division Bench being MAT No. 1543 of 2024. The Division Bench has already passed an interim order in that appeal. He submits that

the instant matter cannot be disposed of till the disposal of the appeal. So, he prayed for necessary interim order.

It appears that the copy of the application was served upon the learned counsel appearing for the State.

Despite service none appears on behalf of the State.

The present petitioners challenged impugned vacancy notification for appointment of FPS dealer over the operational area, where the present petitioner is already running F.P. Shop dealership business with an unblemished track record and full satisfaction since long.

Mr. Pingal Bhattacharyya, learned advocate for the petitioner submits that the petitioner has challenged the vacancy notification on the ground that after promulgation of National Food Security Act, 2013 and Targeted Public Distribution (Control) Order, 2015, the Control Order 2013, on the basis of which the vacancy has been declared, has become redundant. He seeks for interim protection to the extent that the State can proceed with the selection process but should not grant licence till the issue is decided by this Court in batch of appeals, hearing of which has already been started.

Considering the aforesaid submissions, State Authority may proceed with the selection process but so far as the grant of licence is concerned, the same shall not be issued till the disposal of batch of appeals pending

before the learned Division Bench being MAT 1543 of 2024 etc.

Accordingly, the application being CAN 1 of 2024 is disposed of.

Let the matter go out of the list.

Liberty to mention.

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

(Subhendu Samanta, J.)