

23.02.2026
Item No.13
Court No. 10
AGM

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction
Appellate Side

W.P.A. 28821 of 2025

Sushanta Das

-vs-

The State of West Bengal & Ors.

Mr. Pritam Chowdhury.
Mr. Mazar Chwodhury.
Ms. Priyanka Saha.
Ms. Farheen Raish.

... For the petitioner.

Mr. Swapan Kumar Datta. Ld. G.P.
Mr. Dipankar Das Gupta.
Mr. Rauhid Khan.

... For the State.

1. None appears on behalf of the private respondents despite service.
2. The petitioner in the instant case challenges inter alia, the granting of license to the respondent no. 6 despite fulfilling the criteria as sought for in the vacancy Notification dated 2.12.2024 being Annexure P-1 at page 16 of the writ petition.
3. The petitioner prays inter alia, for the following reliefs:
 - a. "Leave for moving this writ petition as urgent one dispensing with the provisions as regards service of notice as well as copy of the writ petition as prescribed under Rule 26 of the Appellate Side Rules for the application under Article 226 of the Constitution of India.
 - b. A writ in the nature of Mandamus commanding the respondents and/or their men, agents and/or subordinates in office to show cause as to why the

impugned approval of FPS Dealership in question should not be set aside, quashed and cancelled forthwith;

- c. A writ in the nature of Mandamus commanding the respondents and/or their men, agents and/or subordinates in office to show cause as to why after setting aside the impugned approval of FPS Dealership the petitioner's application for said Location should not be considered for grant of FPS Dealership forthwith;
- d. A writ in the nature of Certiorari directing the respondents and/or their men, agents or subordinates to transmit all relevant records pertaining to this case before the Hon'ble Court so that conscionable justice may be done after quashing the same;
- e. Rule NISI in terms of prayers (b) and (c) and (d) as above;
- f. Interim order be passed staying the operation of the impugned approval to give further effect till disposal of the writ petition.;
- g. Ad-interim order be passed directing the Respondents and/or their men, agents and/or subordinates in office to consider the application of the petitioner for grant of FPS Dealership in respect of said Location during pendency of this writ petition;
- h. Ad-interim order be passed restraining the Respondents and/or their men, agents and/or subordinates in office from granting FPS Dealership in respect of said Location till disposal of this writ petition;
- i. Interim orders in terms of prayers (f), (g) and (h) as above;
- j. Any such other or further order or orders, direction or directions as to Your Lordships may deem fit and proper."

4. Apropos the facts of the case is that in pursuance of a Memo No. 838/SCFS/ISP/2024 dated 02.12.2024 relating to vacancy ID No. 202300219203 issued from the office of Sub-Divisional Controller (Food & Supply), Islampur, Uttar Dinajpur inviting application for filling up the vacancy of FPS Dealership for the F.P.S. vacancy relating to Gaisal Colony, Gaisal Railway Station, the petitioner made an application

for filling up the vacancy of FPS Dealership.

5. The petitioner relies upon paragraph 23 of the writ petition by submitting that the respondent no. 6 has constructed a godown by encroaching the P.W.D. land without fulfilling the mandatory infrastructural criteria.
6. The petitioner submits that already a complaint dated 8.4.2025 has been made before the respondent no. 4 but the same remains pending for consideration.
7. The State respondent submits that being an unsuccessful candidate, the petitioner has no locus to challenge the entire selection process including the candidature of respondent no. 6. It is further submitted that the entire selection process is score based followed as per the guidelines laid down in the notice dated 02.12.2024.
8. In view of the conspectus above, I find there is an element of disputed question of fact, a field enquiry is required to be taken by the respondent authorities for arriving at a logical conclusions.
9. I direct the petitioner to make a comprehensive detailed representation before the respondent no. 3 within a period of fortnight.
10. Such representation shall be considered by the respondent no. 3 on the basis of the independent enquiry as directed above and shall pass a reasoned order in accordance with law upon affording an

opportunity of hearing to the petitioner, respondent no. 6 and other interested persons, if any, and communicate the same accordingly.

11. The entire exercise shall be completed mandatorily within a period of eight weeks.

12. However, it is made clear that at the time of hearing, if the petitioner's allegations are found to be true and correct, the respondent no. 3 shall forthwith take necessary steps and pass appropriate orders with regard to the entire selection process including the candidature of the respondent no. 6 as expeditiously as possible.

13. The writ petition stands disposed of without going into the merits of the case.

14. There shall be no order as to costs.

15. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

[Smita Das De, J]

