

23.2.2026  
ct no. 10  
Sl. 15  
AGM

**WPA 29165 of 2025**

Md. Sahabuddin  
**-Versus-**

State of West Bengal & Ors.

Mr. Debabrata Saha Roy.  
Mr. Pingal Bhattacharya.  
Mr. Subhankar Das.

...for the Petitioner.

Ms. Sonal Sinha. Ld. A.G.P.  
Mr. Amritlal Chatterjee.

... for the State.

Mr. Prosenjit Mukherjee.  
Ms. Babita Pramanik.

... for the respondent no. 6.

1. The petitioner in the instant case challenges inter alia, the entire selection process of granting license against the vacancy of the FPS (Ration Shop) Vacancy ID 202200225201, Memo No. 341 /SCFS /RAMPURHAT /2024 dated 15.5.2024.
2. Main grievance of the petitioner is with regard to non-recommendation of the name of the petitioner before the respondent no. 3 despite being the most eligible and suitable candidate fulfilling thereby all the eligibility criteria mentioned in the said vacancy notice dated 15.5.2024.
3. Learned counsel for the petitioner demonstrates before this Court by relying upon the relevant documents annexed to the writ petition that he fulfils

all the eligibility criteria/conditions mentioned in the vacancy notice.

4. The petitioner draws the attention of this Court to paragraph nos. 20,21 and 22 of the writ petition in order to substantiate that the plinth height of the godown of the private respondent from the adjacent road level or the ground level is 6 inch being equivalent to 0.5 feet which runs contrary to the mandate of the vacancy Notification dated 15.5.2024. The vacancy notification categorically mentions in Part II in Clause 8 (iv) (d) that the plinth level should be 1 feet from road level or ground level.
5. The petitioner further draws the attention of this Court to the Government Notification dated 4<sup>th</sup> April, 2024 being Annexure P-5 at page 67, which is reproduced below:

|    |                                                                                          |       |
|----|------------------------------------------------------------------------------------------|-------|
| 10 | Plinth Height of the Godown from the adjacent Road level or Ground level of the premises | Marks |
|    | a) Above 2 ft.                                                                           | 5     |
|    | b) 1 ft. to 2 ft.                                                                        | 2"    |
|    |                                                                                          |       |

6. It is further submitted that the shop-cum-godown of the private respondent does not match with the criteria mentioned in the impugned vacancy Notification.
7. In this context the State submits that there exists no anomaly with regard to the height of the plinth level

of the shop cum godown of the private respondent as the same is over and above 1 feet falling within the permissible limit as mentioned in the impugned notice.

8. It is further submitted that the entire process selection is based upon scores awarded to the respective candidates.
9. The private respondent submits that already a personal hearing has been given to the petitioner on 23.6.2025 by the concerned respondents. A representation has been made at a belated stage after five months, that is, 26.11.2025 only to frustrate the entire selection process which is unwarranted and uncalled for.
10. He vehemently opposes the allegations made by the petitioner with regard to the height of the plinth of the godown to be 6 inches. In this context, he submits that the State respondents at the time of Field Enquiry has already arrived at a conclusive finding that the plinth level is over and above one feet.
11. In conspectus of the above, I find that the entire issue involved herein rests upon serious disputed question of fact.
12. The State respondents is directed to file a report in the form of an affidavit within a period of three weeks annexing all the relevant documents pertaining to the enquiry report along with the score

sheets of both the petitioner and the private respondents.

13. The private respondent is also directed to file affidavit-in-opposition within a period of three weeks.
14. Both the State as well as the private respondents are directed to serve their respective affidavits and the report upon the petitioner in advance.
15. The authority concerned is at liberty to continue and proceed with the entire process of selection without giving any effect to by granting any license till 15<sup>th</sup> April, 2026 or until further order whichever is earlier.
16. Matter to appear on 30<sup>th</sup> March, 2026.

**(Smita Das De, J.)**