

24.06.26
21Ct. No.10
Sws.M

WPA 29895 of 2025

Chhanda Das
vs.
State of West Bengal&Ors.

Mr. DebabrataSaha Roy
Mr. Pingal Bhattacharyya
Mr. Neil Basu
Mr. Sankha Biswas
Mr. SubhrajitDey
Mr. A. Paul

....for the petitioner

Mr. NikunjBerlia, Ld. AGP
Mr. Bijitesh Mukherjee

....for the State-respondents

1. The Writ Petitioner challenges the action of the state respondents in not granting Fair Price Shop Licence to the petitioner pursuant to Notification dated 05.06.2024, Vacancy ID 20220031112, Memo No. 429/RFS/20024, despite the petitioner allegedly fulfilled all eligibility criteria under Clause 8 of Part 2 and Clause 10 of Part 4 of Control Order.

2. The Learned Counsel for the petitioner submits that the petitioner fulfilled all requisite eligibility criteria as per Clause 8 of Part 2 and Clause 10 of Part 4 for grant of FPS Licence.

3. Since the order of rejection did not assign any reason for rejection of the petitioner's application, in order to ascertain the reason, the petitioner opted information under Right to Information Act, 2005 on 15.09.2025 and

14.10.2025. The information furnished by respondent No. 5 is reproduced below:

“1. You were found ineligible to fulfill the vacancy due to non complying with the minimum requirement for all godown specifications.”

4. It is further submitted that the respondents have not considered the petitioner's application in proper perspective.

5. It is submitted that the Learned Counsel for the petitioner submits that it is a settled law that production of record of right is optional and not mandatory in light of **MAT 1300 of 2025 with CAN 1 of 2025 (Archana Jana Vs. The State of West Bengal and Others)** and **MAT 224 of 2025, with IA: CAN 1 of 2025 (Gouri Das Biswas Vs The State of West Bengal and Others)**. The decision of the Hon'ble Division Bench has been subsequently affirmed by the Hon'ble Apex Court in Special Leave to Appeal (C) Nos. 24256/2025 (**Gouri Das Biswas Vs. The State of West Bengal and Others**).

6. Mr. NikunjBerlia, learned Additional Government Pleader appearing on behalf of the State submits that the cases relied upon by the petitioner are not applicable in the instant case,

since the reasons assigned are different in the factual matrix of the case.

7. The petitioner is unable to make out a specific case in respect of the judgments relied upon by the petitioner.

8. Having heard the parties and on perusing the available records, this Court finds the issue involved is debatable.

9. For proper adjudication of the case, the State respondents are directed to seek proper instruction from the department with regard to the reason for rejection of the FPS license and shall also produce the enquiry reports and other relevant documents in original on **3rd July, 2026** at **2.00 p.m.**

(Smita Das De, J.)