

23.02.2026  
Piya  
ct no. 5  
sl. 27

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
CONSTITUTIONAL WRIT JURISDICTION**

**WPA 240 of 2026**

**Uma Devi Kalowar  
Vs.  
State of West Bengal & Ors.**

Mr. Nabeela Akbar  
**.....for the Petitioner**

Mr. Hirak Barman  
Mr. Bikash Singha  
**.....for the State**

1. Affidavit of service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondents to cancel the vacancy notice issued by the Respondent No.4 vide Memo No. 53/SCFS/Mal/2025 dated 24.02.2025 in Central Location- Jhakpara, Jhar Majhgram, Kranti, Dakshin Majhgram, Near Bairagipara S.S.K, Jhakpara, Service Area- Jhar Maiheram, Kranti, Dakshin Maiheram, Jhar Maiheram, Kranti, P.O. Krantihat, P.S. Mal, G.P/Ward- Kranti, Block/Municipality-Kranti, Sub-Division- Malbazar, District- Jalpaiguri, Pin-735218.
3. The Director, DDP&S, issued an order vide memo no.328/FMR/10D-03/14(Part-II) dated

11th February 2022 allegedly with approval of the Secretary, Food and Supplies Department, whereby the said Director, without authority, modified the policy guidelines of the State Government without assigning any reason by directing that population between 5000 6500 ration cards to be retained with the existing fair price shop and 3000-4500 ration cards to start a new fair price shop.

- 4.** Being aggrieved the petitioner has approached the High Court. It is the case of the petitioner the Control Order 2013 has become non-existent and the Control Order could not have been notified or brought into existence after promulgation of National Food Security Act 2013 and the Targeted Public Distribution System (Control) Order, 2015 by the Central Government and as such, no vacancy can be declared either under 2013 Order or 2024 Order and thus the said vacancy notification has been challenged.
- 5.** Admittedly, the new control order has come into force on 01.08.2024.
- 6.** The vacancy notification dated 24.02.2025 in the present case is dated after the date of the said notification.

7. On hearing the learned counsels for the parties the State herein is directed to file a report in the form of affidavit on 27<sup>th</sup> February, 2026.
8. Pending hearing of the writ application, the respondents shall continue with the process as in the said vacancy notification but shall not issue any licence until further orders, in the present writ application till 27<sup>th</sup> February, 2026.
9. Matter be listed on 27<sup>th</sup> February, 2026 further hearing and for necessary orders.

**(Shampa Dutt (Paul), J.)**