

Biplab Kumar Ray Vs State Of West Bengal & Ors

Court: Calcutta High Court (Appellate Side)

Date of Decision: Jan. 14, 2025

Hon'ble Judges: Subhendu Samanta, J

Bench: Single Bench

Advocate: Sk. Aptabuddin, Nabeela Akbar, Sonal Sinha, Amrita Panja Moullick

Judgement

Report in the form of affidavit filed by the respondent no. 1 to 4 is taken on record.

It appears from the report that SCF&S, Islampur issued a vacancy notification dated 18th October, 2022 for filling up vacancy of FPS dealership

under West Bengal Public Distribution System (Maintenance and Control) Order, 2013 at the location of Nahargachh, wherein the present petitioner is

running a FPS business since long without any complaint.

It is the case of the petitioner that after promulgation of National Food Security Act, 2013 and targeted Public Distribution System (control) order,

2015, the West Bengal public Distribution System (M&C) order, 2013 on the basis of which the instant notification was published has become

redundant.

Learned counsel Sk. Aptabuddin also argued that the issue involved in the instant writ petition was also raised in a batch of appeal before the learned

Division Bench of this court being MAT 1543 of 2024.

He submits that till the disposal of the said batch of appeals, the authority concerned may be directed to stall the procedure for selection of the new

FPS dealer.

Learned counsel appearing on behalf of the State authority has raised an objection and submits that issue involved before the Hon'ble Division

Bench is not similar to that of the issues raised in the instant writ petition.

Having heard the learned counsel for the parties, State is directed to submit report in the form of affidavit within four weeks from date.

Reply, if any, by the petitioner within two weeks thereafter.

Considering the facts and circumstances of the case and considering the matter that similar issue was pending to be determined by the Hon'ble

Division Bench in MAT 1543 of 2024, and also observing the point that the Hon'ble Division Bench has already issued an interim order in this

appeal, I am of the view that the present petitioner also deserves the similar interim order.

Under the above observation the state authority is at liberty to proceed with the selection process of the impugned vacancy notification but so far as

the appointment of new dealer is concerned the same shall not be commissioned in favour of any person without the permission of this court.

Let the matter go out of the list.

Parties are liberty to mention.