

(2023) 07 CAL CK 0053
In the Calcutta High Court
Case No : WPA No. 11974 Of 2023

Sanjida Aktari

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 11-07-2023

Acts Referred:

Citation : (2023) 07 CAL CK 0053

Hon'ble Judges : Bibek Chaudhuri, J

Bench : Single Bench

Advocate : Musharaf Alam Sk., Sujoy Sarkar, Susmita Ghorai, Susmita Ghorai, Amrita Lal Chatterjee

Final Decision : Dismissed

Judgement

Bibek Chaudhuri, J

Pursuant to a vacancy notification in respect of granting of an FPS dealership dated 22nd November, 2022 the petitioner made an application for grant of licence in her favour. In all there were 13 applicants who made applications for grant of licence in respect of the same FPS dealership. The Sub-Controller, Food & Supplies Department in the district of Uttar Dinajpur fixed 6th February, 2023 for holding inquiry to ascertain the eligibility criteria of the applicants which are necessary in terms of clause 12 of Part-II of the vacancy notification.

On 5th February, 2023 the petitioner made an application before the Sub-Divisional Controller, Food & Supplies Department, Raiganj requesting him to postpone the proposed inquiry dated 6th February, 2023 on account of her father's illness. The said application was not adhered to by the respondent No.2. Again on 27th April, 2023 the petitioner made an application for extension of time for holding inquiry. The respondents failed to take any step over the said representation dated 29th April, 2023. So, is the writ petition for a direction upon the respondents to consider and pass appropriate order in respect of the petitioner's representation dated 5th February, 2023 and 27th April, 2023.

Learned advocate for the State respondents has submitted a report in the form of an affidavit. On perusal of which it is ascertained that the Sub-Divisional Controller, Food & Supplies Department and his team already enquired into the matter and verified the spot to ascertain as to whether the applicants have godown as per the dimensions specified in Rule 12(IV) of the Vacancy Notification. It is stated on behalf of the State respondent that on 6th February, 2023 one Talebur Rahaman represented the present petitioner and spot inquiry report shows that on the date of application the petitioner had no godown even on the date of inquiry. The construction was being carried out on the land mentioned by the petitioner.

In view of such circumstances, as the petitioner had no godown on the date of inquiry, the Inspecting Team submitted a report stating, inter alia, that the petitioner did not comply with the eligibility criteria as mentioned in Clause 12 of Part-II of the Vacancy notification.

Considering the instant writ petition as well as the report submitted by the State Respondents this Court is of the view that it is absolutely within the domain of the administrative decision to fix a date of inspection to see as to whether the applicants have the requisite eligibility criteria or not. The petitioner cannot claim postponement of the date of inspection which was fixed by the administrative authority. The act of the Administrative Authority cannot be said to be mala fide, illegal and arbitrary because not only the petitioner in respect of all other applicants similar date was fixed for inspection. The said date was not extended on the prayer of any other applicant. The Court finds that the petitioner made the application for postponement of inspection because of the fact that her godown was not ready on 6th February, 2023.

In view of such circumstances, I do not find any scope to issue prerogative writ in the instant case against the respondents.

The writ petition is summarily dismissed.

The report submitted by the State Respondent be kept with the record.