

Form J(2)

**IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
Appellate Side**

**Present :  
The Hon'ble Justice Bibek Chaudhuri**

**WPA No. 23481 of 2023**

**Jagadish Chandra Pan  
Vs.  
The State of West Bengal & Ors.**

**For the Petitioner : Mr. Rahul Chakraborty,  
Ms. Soumili Datta,  
Mr. Shounak Mukherjee.**

**For the State : Mr. Tanoy Chakraborty,  
Ms. Amrita Panja Moulick.**

**For the Respondent  
No. 7. : Mr. Debabrata Saha Roy,  
Mr. Debabrata Chakrabarti.**

**Judgement on : 09.10.2023.**

**Bibek Chaudhuri, J.**

Affidavit-of-service filed in Court today be kept with the record.

The petitioner filed an application for dealership of Fair Price Shop in respect of a vacancy notification dated 3<sup>rd</sup> June, 2022 at Village – Manidaha within Gram Panchayat – Manidaha in the district of Paschim Medinipore. Allegation of the petitioner is that the petitioner was found eligible during enquiry after filing of the application by the concerned authority of Food and Supplies Department and he was notified to appear before the District Level

Fair Price Shop Selection Committee on 13<sup>th</sup> March, 2023 along with his document. He duly appeared before the Committee, his documents were examined but subsequently he did not know about the fate of his application. On the contrary, he found that private respondent has been given licence in respect of the said Fair Price Shop.

It is alleged by the petitioner that the private respondent obtained lease in respect of a godown and shop room situated in khas property of the Government of West Bengal. On the contrary, the petitioner's godown is situated at his own residence. Moreover, the father of the private respondent is running a Dealership of distribution of S.K.Oil under the Superior Kerosene Oil Control Order, 1968.

Therefore, the respondent is not entitled to get the licence of Fair Price Shop Dealership as granted by the authority on recommendation of the District Level Fair Price Shop Committee.

The learned Advocate for the State, on the other hand, submits that there were three eligible candidates, namely the petitioner, private respondent and one Indrajit Patra over the selfsame vacancy in respect of the said Dealership. After the private respondent was granted licence the said Indrajit Patra filed a writ petition being WPA No. 12792 of 2023 before this Court and this Court dismissed the said writ petition being not maintainable.

Learned Advocate for the private respondent, on the other hand, submits that the petitioner is a representative of local Gram Panchayat. Therefore, he is not entitled to be a licensee of Fair Price Shop Dealership under Clause 13(ii) of Part 3 of the vacancy notification being a Member of the Local Body, i.e., the Gram Panchayat.

Moreover, at least two numbers of criminal cases are pending against the petitioner.

Pendency of criminal case against the petitioner cannot be a ground for rejection of licence because part 3 of vacancy notification states that a person is debarred from getting Fair Price Shop licence when he is convicted by the Court under the EC Act or any other criminal proceedings connected with essential commodities. The petitioner admittedly has not been convicted in any criminal case under the EC Act or any other criminal proceeding connected with essential commodities. However, since he is a Member of Local Gram Panchayat and in his affidavit he suppressed pendency of criminal proceeding against him, he is not entitled to get Dealership of Fair Price Shop in question. In view of what has been stated above, the instant writ petition being not maintainable is summarily dismissed.

**(Bibek Chaudhuri, J.)**

**Srimanta, A.R.(Ct.)  
Item No. 06.**