09
07.10.2026
Court No. 10
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 15855 of 2025
With
CAN 1 of 2026

Tapas Kumar Maity
-versus
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy. Sr. Adv.
Mr. Debabrata Chakraborty.
Mr. Neil Basu.
Mr. Subhankar Das.
Ms. Soma Chakraborty.
...For the Petitioner.

Mr. Nikunj Berlia, Ld. A.G.P.
Mr. Subhajit Das.
... For the State.

1. Pursuant to the Order dated 05.10.2026, the State respondent has produced the original records along with the photographs of Field Enquiry Report dated 24.09.2024 and 08.05.2025, to demonstrate the measurement of the shop room, since there has been a variation in the measurement of the shop room, as it is apparent from the two respective Field Enquiry reports.

2. From the original record, this Court finds that the photograph of the shop room are identical to the one which was taken on 08.04.2025 and which has been produced in Court in a compact disc.

3. This Court also find that the Chief Inspector, Food and Supply Department had already found the measurement of the petitioner's shop room to be over and above the measurement mentioned in the Vacancy Notification.

4. Since the photograph of the First Field Enquiry Report were found illegible, a 2nd Field Enquiry Report was conducted by one Sub-Inspector, Food and Supply Department, there is a reflection of discrepancy and anomaly pertaining to the measurement taken by the Chief Inspector in respect of the 1st Field Enquiry Report dated 24.09.2024.

5. This Court has compared both the pictures dated 24.09.2024 and 08.04.2025 and does not find that the presence of the stair case can be a bar to negate the 1st Field Enquiry Report conducted by the Chief Inspector. The stair case in question is very much visible and the question of illegible photographs does not arise.

6. Such action of the Inspector is arbitrary, illegal and not permissible under law.

7. The entire 1st Field Enquiry was conducted in presence of the petitioner and two Sub-Inspectors namely, Rani Kirtania and Prateek Sarkar, which was certified on 27.10.2024 and the 2nd Field Enquiry Report was conducted by one Sub-Inspector, namely, Raju Biswas on 08.04.2025 which was certified on 24.04.2025.

8. From the two reports and the photographs, the Food and Supply Department has arrived at an erroneous findings and consequently arbitrarily cancelled the candidature of the petitioner.

9. The Food and Supply Department till date did not get any suitable candidate for the said vacancy. Although the DLFPSS has recommended for renotification of the same place of vacancy but since the same has not been advertised, the Department did not receive any application.

10. Considering the submissions of the parties upon perusing the materials available on record, this Court directs the Director, to give a fresh hearing to the petitioner in presence of the Chief Inspector and the concerned Sub-Inspector, namely, Raju Biswas, Rani Kirtania and Prateek Sarkar on 12th October 2026 at 12 noon for taking a decision on the basis of the two photographs captured at the time of

conducting the Field Enquiry specifically with regard to the measurement of the shop room taken on two different dates and pass a reasoned and speaking order in accordance with law.

11. In the event during the hearing, if the Director arrived at a finding, with regard to the measurement taken by the Chief Inspector to be correct, in that event the authority concerned are directed to grant the licence forthwith to the petitioner for running the FPS dealership.

12. It is needless to mention that granting of licence for an FPS dealership is a beneficial legislation for serving the public at large. Therefore, prior to taking a decision for renotification, the candidature of the petitioner shall be considered for the grant of FPS Licence in respect to the said Vacancy Notification.

13. With the above observations and directions, the Writ Petition is disposed of.

14. Since the affidavit have not been filed the allegation made in the Writ Petition is deemed to have been denied and not admitted.

(Smita Das De, J.)