06.10.2026
ct no. 10
Sl. 34
BP

WPA 28040 of 2026

Amirul Islam
-Versus-
The State of West Bengal & Ors.

Mr. Ram Anand Agarwal
Ms. Nibedita Pal
Mr. Ananda Gopal Mukherjee
Ms. Nasrin Khatoon
...for the petitioner.

Mr. S.N. Dutta
Mr. Abhee Dutta
... for the State.

1. Learned advocate appearing for the petitioner submits as follows:-

(a) The petitioner has submitted the application electronically by uploading the same in the common portal of the Food and Supplies Department on 20.04.2024 with regard to vacancy notice dated 11th September, 2023 for appointment of FP fair price shop dealer at Balbalpara, Samsherganj, Murshidabad issued by SCFS, Jangipur.

(b) After submission of the application, the petitioner had applied for land conversion certificate on 20th May, 2024 and the same was accordingly allowed on 6th June, 2024.

(c) Thereafter, the Area Inspector conducted an enquiry on 13th March, 2025 of the proposed godown of the petitioner.

(d) Pursuant to the interview notice issued by the respondent no.3 on 2nd February, 2026 the petitioner appeared for the interview on 5th February, 2026.

(e) Thereafter, the candidature of the petitioner was rejected by the authority concerned on the ground of classification of the land and that the godown is not adjacent to the office room.

(f) The petitioner places reliance upon a decision of the Hon'ble Division Bench of this Court in the case of Archana Jana Vs. State of West Bengal & Ors. reported at 2025 SCC OnlLine Cal 6951 mainly relying upon paragraphs 39 to 41 which is reproduced hereinbelow.

"39. Hence, it is evident from the vacancy notification itself that the character of the land need not be established by production of the records of rights. If such requirement is not an essential pre-requisite for a licence application as per the vacancy notification itself, which circumscribes the grant of the licence, non-production of records of rights or consequential non-disclosure of the character of land as depicted in the records of rights would be entirely irrelevant while cancelling the licence as well. If a particular requirement is not there for issuance of a licence in the first place, non-fulfillment of such requirement cannot be a ground for cancelling the licence as well.

40. Hence, the description of plot no. 375 as 'Jal in the records of rights is not germane and not a valid basis for cancellation of a licence at all. In any event, the appellant submits through counsel that an application has already been made for effecting the necessary rectification in the records of right and that a conversion application has since been made as well.

41. Be that as it may, since those are not essential criteria under the vacancy notification, we are of the opinion that the cancellation of the licence of the appellant was entirely misdirected and based on

grounds not validated by the extant Rules and Regulations, including the vacancy notification, of the respondent-authorities themselves."

(g) Being aggrieved thereby, the petitioner made a representation before the authority concerned on 23rd August, 2026. However, the same remains pending for consideration.

2. The learned counsel appearing for the State respondent fairly takes a stand and submits that since the representation is pending for consideration, the same can be considered for effective adjudication of the issue involved herein.

3. Having heard the parties and upon perusing the materials available on record this Court finds that the petitioner has been able to make out a prima facie case warranting interference at this stage.

4. Having taken judicial notice of all the relevant documents annexed to the writ petition including the judgement of the Division Bench of this Hon'ble Court in the case of Archana Jana Vs. State of West Bengal & Ors. reported at 2025 SCC OnlLine Cal 6951, this Court is of the considered view that for balancing the equities and securing the ends of justice, the representation dated 23.08.2026 be considered and disposed of by the respondent no.2 within a period of eight weeks from the date of communication of this order and shall pass a reasoned and speaking order in

accordance with law after affording an opportunity of personal hearing to the petitioner and communicate such decision within a week thereafter.

5. The writ petition is disposed of without going into the merits of the case.

6. However, it is made clear that the respondent no.2 shall consider the representation in light of the judgement of the Division Bench of this Court in the case of Archana Jana (supra) mainly relying upon paragraphs 39 to 41.

7. The respondent no.2 shall arrive at a logical and conclusive finding by considering the lexicon meaning of 'adjacent' and the observations held in the case of Archana Jana (supra).

8. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Smita Das De, J.)