
(2019) 08 CAL CK 0263

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 6744 (W) Of 2019

Prosanta Sardar

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 21-08-2019

Acts Referred:

Citation : (2019) 08 CAL CK 0263

Hon'ble Judges : Amrita Sinha, J

Bench : Single Bench

Advocate : Shahan Shah, Susanta Pal, Prabir Kr. Ray

Final Decision : Disposed Of

Judgement

Amrita Sinha, J

The report in the form of an affidavit filed on behalf of the respondent no. 3 is taken on record.

The petitioner participated in a selection process for engagement of Village Police Volunteers in the Village Police Volunteer Force. An intending candidate was supposed to fill up a verification form prior to issuance of the letter of appointment.

Column 12 of the said form reads as follows :- Have you ever been convicted by a court in any offence or charge sheeted by the police in connection with any criminal proceeding, if so, the full particulars of the case should be given. The petitioner replied "NO" against the said column.

A list of selected candidates of the South 24-Parganas District under the West Bengal Police was published on 30th October 2012 in respect of the Jagadishpur Gram Panchayet. The petitioner's name figured in the list of selected candidates.

In spite of being selected the appointment letter was not issued in favour of the petitioner.

The petitioner filed a writ petition before this court being W.P. No. 12879 (W) of 2018 which was disposed of by an order dated 29th August 2018 directing the Superintendent of Police, Sundarban Police District to consider the petitioner's prayer upon granting him an opportunity of hearing and to pass a reasoned order in accordance with law.

In compliance of the direction passed by this court the Superintendent of Police, Sundarban Police District passed a reasoned order on 5th November 2018 wherein it was mentioned that in the verification form in column - 12 the petitioner has suppressed the pendency of the criminal case that was initiated against him and also suppressed that a charge sheet was submitted in the said case. Accordingly, he was not engaged as the village Police Volunteers at the Jagadishpur Gram Panchayet. The said respondent took note of the fact that subsequently the petitioner was acquitted from the said case by an order dated 22nd April 2016. The respondent went on to add, that in the meantime, the post of Village Police Volunteer for which the writ petitioner applied, was filled up before the acquittal of the writ petitioner from the aforesaid case and as such there is no scope to engage the writ petitioner in the said post at Jagadishpur Gram Panchayet or any other Gram Panchayet. The prayer of the petitioner was rejected.

The petitioner submits that he filled up the verification form on 5th November 2012. On the said date neither was he convicted in the criminal case that was pending against him nor any charge sheet was filed against him. Charge sheet was filed in the said case on 28th November 2012 long after the petitioner filed the application for engagement. Subsequently, however, the petitioner was acquitted from the said case.

Under no stretch of imagination can it be said, that on the date of filing of the said verification form any charge sheet was filed against the petitioner or he was convicted in the said case. Accordingly, the allegation of suppression relying on which the candidature of the petitioner was cancelled is absolutely illegal.

The other point taken for rejecting the prayer of the petitioner is that all the vacancies have been filled up and there is no scope to engage the petitioner.

It appears that the petitioner was selected in accordance with the recruitment rules and the authorities have not issued the appointment letter in his favour upon wrong appreciation of facts, accordingly, the petitioner should not suffer for the same.

The respondent no. 3 is directed to engage the petitioner in any vacancy, which will arise subsequently in any of the Gram Panchayets under the Mandir Bazar Police Station.

With the aforesaid observation, W.P. No. 6744 (W) of 2019 is disposed of. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.