

(1989) 04 CAL CK 0028
In the Calcutta High Court

Sri Khudiram Ghosh

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 24-04-1989

Acts Referred:

Citation : (1990) 1 CALLT 70

Hon'ble Judges : G.N. Ray, J

Bench : Single Bench

Advocate : P.R. Mondal, Bandana Das and L.C. Bihani, for the Appellant; Priti Bhusan Chakraborty, for the Respondent

Judgement

G.N. Ray, J.—This writ petition has been moved with notice to the State Respondents and the learned counsel has appeared. It appears that the petitioner initially was a candidate for appointment to the post of Police Constable in the West Bengal State Police but he was not ultimately selected for appointment. He could not ascertain the reasons and made a representation to the Chief Minister, Government of West Bengal and he was informed by the Office of the West Bengal Police Directorate in reference to his representation addressed to the Chief Minister that he was not recruited because he was a married person. It may be noted that at that point of time married person was not entitled to be recruited as Police Constable, but such embargo has been lifted. The petitioner thereafter made a representation to the police authorities, inter alia, praying that his rejection was unfair and unjust and the Asstt. Inspector General of Police, West Bengal by his letter, dated July 25, 1985 which is Annexure "D" to the petition informed the petitioner that he should make a fresh representation for enlistment as a constable in the West Bengal Police. The petitioner made such representation on August 2, 1985 and a copy of such representation has been annexed to the writ petition. It appears that the petitioner was informed to appear at 9 A.M. at Chinsura Police Line for measurement for the purpose of recruitment as Constable in the West Bengal Police and the petitioner was also directed to bring all testimonials on that date.

Such intimation given to the petitioner has been annexed to the writ petition being Annexure "F". It is the case of the petitioner that he appeared and the interview had been taken and according to the petitioner he was found medically fit to be appointed as a Police Constable. But he did not receive any intimation and later on sometime in 1986 the petitioner was informed by the Assistant Inspector General of Police, West Bengal that his name included in the earlier panel was cancelled as per the Rules then prevailing. The petitioner must be sponsored by the Employment Exchange for being recruited as a Police Constable and unless the petitioner's name is referred by the Employment Exchange no appointment can be given to him. It appears that the petitioner thereafter made a representation against such decision but since that was not accepted, the instant writ petition has been moved. It appears that the circular or rule prohibiting the married person to be recruited as Police Constable was not legal and the State Government has withdrawn the said Rule. Be that as it may, since the petitioner was directed to make a fresh representation and pursuant to such representation made by him, the petitioner was asked to appear for interview, the respondents are not permitted to contend at this stage that unless he is sponsored by the Employment Exchange, he cannot be considered. The respondents are therefore directed to consider the case of appointment of the petitioner provided the petitioner is found medically fit for such absorption and is not otherwise unsuitable on the ground of adverse police report in the next available vacancy without taking into consideration that the petitioner has not been sponsored by the Employment Exchange or he has become age barred now. Let the case of the petitioner be considered within a period of two months from the date and the petitioner be informed about the decision immediately thereafter. The writ petition is accordingly disposed of.