

05.04.2022
Court No. 19
Item no.02
CP

W.P.A. No. 3169 of 2020

Tapash Mitra

Vs.

The State of West Bengal & Ors.

Mr. B.K. Das
Mr. R.K. Biswas
Mr. P.C. Poddar

...for the petitioner.

Mr. Arjun Ray Mukherjee
Mr. Jayjeev Medhi

...for the State.

The supplementary affidavit filed in court today is taken on record.

It appears that the petitioner was appointed as a gram panchayat karmi in Bewa-I Gram Panchayat on the strength of a provisional appointment letter dated January 29, 2018. The terms and conditions of appointment provided that if the police verification report, medical verification report and caste verification report were found unsatisfactory or adverse, the appointment would be cancelled.

Accordingly, the police verification report which was submitted by the appropriate authority indicated that Chakulia P.S. Case No. 562 of 2014 dated October 11, 2014 under Sections 341, 436, 427, 34 of the Indian Penal Code had been registered against

the petitioner. Charge-sheet has been filed before the competent criminal court. On the basis of such police verification report the petitioner's provisional service was terminated by an order dated February 25, 2020, passed by the Block Development Officer, Farakka Development Block & Executive Officer, Farakka Panchayat Samiti.

At this stage, unless and until the reasons as to why the employer found the information supplied by the petitioner to be unsatisfactory and the documents from which the adverse reports have been gathered by the employer are not before the court, no order can be passed. The allegation is of concealment of facts and giving false statement in the verification roll.

In this case, the employment was provisional subject to police verification and verification of the medical reports and caste certificate. Thus the rules relating to disciplinary proceedings would not be applicable in the, prima facie, view of the court. Granting an interim order will also amount to allowing the main relief.

Let affidavit-in-opposition be filed within six weeks from date. Reply thereto, if any, be filed within two weeks thereafter.

Liberty to mention after the aforementioned period.

(Shampa Sarkar, J.)