IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

20.07.2026
S/L.1-2
Court No. 4
(Naba)

W.P.S.T. 209 of 2025

Anindya Sundar Das
Vs.
The State of West Bengal &Ors.

With

W.P.S.T. 210 of 2025

Anindya Sundar Das
Vs.
The State of West Bengal & Ors.

Mr. M. N. Roy,
Mr. G. Haldar,
Mr. K. Chatterjee,
Mr. S. Mondal
...the Petitioner

Ms. Chandreyi Alam, ld. A.G.P.,
Ms. Runu Mukherjee
...the State

1. Heard the learned advocate for the writ petitioner and the learned A.G.P. appearing on behalf of the State.

2. The two writ petitions arise out of two proceedings pending before the West Bengal Administrative Tribunal ('Tribunal' for short) in O.A. Nos. 662 of 2024 and 667 of 2024. During pendency of these two Original Applications before the Tribunal, the Tribunal became non-functional for want of any member.

3. The petitioner, thus, approached this Court stating that he has been left remediless, wherein a vital issue of his appointment is not being considered for want of a functional Tribunal. The petitioner relied upon decision of the Apex Court in the case of ***Rojer Mathew Vs. South Indian Bank Ltd. & Ors.*** reported in ***(2020) 6 SCC 1***.

4. We, therefore, took up the matter for consideration.

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5. The factual background leading to filing of the Original Application arises from issuance of an order dated 09.12.2024, issued by the Joint Secretary to the Government of West Bengal in the Department of Health & Family Welfare, Vigilance Branch, whereby and whereunder the petitioner's services as Medical Officer (Specialist), Gynocology & Obsetetrics at Chandrakona Rural Hospital in Paschim Medinipur, was discontinued with immediate effect. The petitioner's services was discontinued during probation on the ground that he secured the employment by suppressing the penalty of dismissal imposed upon him earlier on 24th February, 2021 in respect of his earlier employment under the State Government as

General Duty Medical Officer (GDMO) at Para Block, Primary Health Centre, Para, Purulia.

6. We find from the PVR form that in response to the queries regarding his earlier employment, wherein he was required to give "*reasons for leaving previous service*", he has stated "*due to departmental proceedings*".

7. The PVR Form was filled up by the petitioner on 27.12.2021, when he was already dismissed from service by the order dated 24.02.2021.

8. Therefore, the fact that the petitioner has resorted to misrepresentation and suppression of a relevant and material fact and failed to answer the query truthfully in the PVR, is established from a plain reading of the declaration made by the petitioner in the PVR form.

9. The authorities have later on discovered that the reason for leaving his previous employment was on account of dismissal and therefore, they discontinued his service from the post of Medical Officer (Specialist) by the order dated 09.12.2024, on account of such suppression in the PVR Form, which leaves no scope for interference with the order of discontinuance of petitioner's services dated 09.12.2024.

10. Column (XII) of the PVR Form contained a column which were to be filled up by persons if they had

at any time been employed. Details of such employment such as designation of posts, description of work and period of service was to be specified. There was also a column wherein a candidate who had earlier been employed was required to disclose reasons for leaving previous service. The fact that the petitioner has filled up this column *ipso facto* is sufficient to conclude that the petitioner was conscious of cessation of his earlier employment. However instead of making a truthful declaration, regarding dismissal vide order dated 24.02.2021, the petitioner mentioned "*due to departmental proceedings*".

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11. The petitioner also assailed the earlier order of dismissal dated 24.02.2021, dismissing him from the post of GDMO by filing the other Original Application O.A. No.662 of 2024. The same was filed in December, 2024. The fact that it was filed after issuance of the order dated 09.12.2024 discontinuing his services as GDMO is not in dispute.

12. Viewed with such circumstances in the background, it is more than obvious that the petitioner decided to assail the order dated 24.02.2021, only when it formed a basis for his

discontinuance from service communicated to him by the authorities on 09.12.2024. The petitioner thus, filed a Miscellaneous Application also seeking condonation of the delay on the ground of the several restrictions imposed during the Covid-19 Pandemic, and also using a plea that his parents were suffering illness and, therefore, he was prevented from approaching the Tribunal within the time. The condonation application was allowed by the Tribunal.

13. Therefore, an issue, which arises for consideration in this case is, whether the petitioner's incorrect declaration made in the PVR Form dated 06.05.2015 was due to his ignorance regarding the filing of a charge-sheet in the criminal trial, wherein he was an accused.

14. There is no dispute that at the time of filling up the PVR Form on 06.05.2015, the petitioner was conscious of his implication in South 24 Parganas, P.S. Sonarpur FIR No. 1453 of 2014. He was on bail in the said case, and duly represented through an advocate in the trial, before the Trial Court. The order-sheet of the Trial Court reveals that charge-sheet was received by the court; and cognisance of the offences taken by the Court on 27.01.2015.

15. The petitioner, thereafter filled up the PVR Form on 06.05.2015. Thus, the authorities were of the view that the petitioner suppressed the filing of the charge-sheet, having regard to his answer to the query made in column 13 of the PVR Form which reads :

> *"13. Have you ever been convicted by a court of any offence or charge-sheeted by the Police in connection with any criminal proceeding? If so, full particulars of the case should be given:"*

16. In response to such query he mentioned "*no conviction/no charge-sheet at present*". The petitioner was making an emphatic statement on 06.05.2015 in the PVR Form that no charge-sheet was submitted at present.

17. The fact, however, is otherwise the charge-sheet was already submitted in January, 2015 in the proceeding where he was on Court bail and represented through a learned advocate.

18. The learned advocate for the petitioner submitted that the petitioner was not present on the date (27.01.2015) on which the charge-sheet was submitted. He submits that from the order sheet of the Trial Court it is apparent that even his advocate did not appear on that date. Such a submission even if taken to be correct, cannot enure to the petitioner's benefit to justify an

emphatic disclosure made in the PVR Form, which was untruthful and clearly a misrepresentation of fact. The prudent conduct expected from the petitioner was that before making such emphatic statement in his reply, he would have obtained information from his advocate appearing in the Trial Court regarding the stage of trial, wherein the petitioner was on bail.

19. We, therefore, are not inclined to grant any benefit to the petitioner based on submissions that neither the petitioner; nor his advocate was present on 27.01.2015, when the charge-sheet was submitted in the Court.

20. The PVR form contains petitioner's certification that the declarations are made correctly, completely and to the best of the petitioner's knowledge, at the time of the filling up the form. The petitioner, therefore, was obliged to make correct and complete declarations in the various columns in the PVR Form. Under such circumstance, the declaration that no chargesheet had been filed till the date of the filling up of the PVR Form cannot be countenanced, moreso since he was on bail and duly represented at the trial. We, therefore, find no infirmity in the conclusion of the authorities that such incorrect declaration is a misrepresentation regarding non-filing of the

chargesheet. The petitioner has suppressed the fact of filing chargesheet in January 2015 itself.

21. Consequence of such misrepresentation and suppression of fact was passing of the order of dismissal from service on 24.02.2021. The petitioner, did not challenge the dismissal order dated 24.02.2021 for nearly four years. From such conduct of the petitioner it is apparent that the petitioner was conscious of the misrepresentation. The dismissal order dated 24.02.2021, however was challenged only when it formed a basis of the petitioner's discontinuance from service in the second employment Vide order dated 09.12.2024.

22. The entire sequence of events as taken note of above, does not leave any scope for the petitioner to take benefit of an absence of his advocate on the date on which the charge-sheet was submitted, so as to justify his suppression and misrepresentation in the PVR Form dated 06.05.2015.

23. We, therefore, find no merit in the petitioner's contention to challenge the orders of discontinuance from service dated 09.12.2024, or the earlier order of dismissal dated 24.02.2021, which was the subject matter of challenge before the Tribunal in the two Original Applications.

24. We, therefore, dismiss both the Writ Petitions.

25. As a consequence, the Original Applications bearing O.A. Nos. 662 of 2024 and 667 of 2024 pending before the Tribunal are also disposed of.

26. There will be no order as to costs.

27. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)