

21.09.2020
Srimanta/Mithun
Sl. No. 09
Ct. No. 23

IA No. : CAN/1/2020 (Old No: CAN/5658/2020)
in
WPA/6743/ 2020
[Via Video Conference]

Md. Mahafujjur Rahaman
-Vs.-
State of West Bengal & Ors.

Mr. Firoze Hassan, Adv.

...for the petitioner.

Mr. Swapan Kumar Datta, Ld. A.G.P.,
Mr. Tapas Kumar Datta, Adv.

...for the State.

The grievance of the petitioner is that he was appointed in the year 2009 as Village Level Data Entrepreneur (VLE) under Ratua – I Panchayat Samity. On 1st February, 2019, it is found that an amount of Rs.7,000/- each was credited to his account for 13 times, total being Rs.91,000/- to his Bank account. Immediately, he wrote a letter to the B.D.O., Ratua – I stating that he is not entitled to such amount and the B.D.O. was requested to take step for debiting that amount from his account. The B.D.O., Ratua – I, however, did not take any step. Subsequently, on 2nd September, 2019, he was transferred from his place of posting to another place. On 26th June, 2020, he was served with a notice of hearing by the B.D.O., Ratua – I Block asking him to appear on 2nd July, 2020 in his office to take part in the hearing of the complaint lodged by one Md. Selim. The petitioner duly appeared and it was subsequently decided by the B.D.O., Ratua – I that the petitioner defalcated a sum of Rs. 91,000/- which he wanted to

be debited from his account on the very date when it was credited and on the basis of such enquiry the petitioner was terminated from service on 13th August, 2020.

Learned Advocate for the State respondents submits that this is *prima facie* a case of defalcation of money for development work under Swachh Bharat Mission. In order to apprise the entire facts and circumstances, the State respondent may be allowed to file affidavit-in-opposition.

Having heard the learned Advocates for the petitioner and the respondents and on perusal of the entire matter, I am of the view that the purpose of the parties will be subserved if the District Magistrate, Malda is directed to enquire into the matter as to why the petitioner's representation dated 1st February, 2019 was not considered by the B.D.O., Ratua- I Block. In course of such enquiry, the State respondents are entitled to file all the documents which they want to rely before the District Magistrate, Malda. On consideration of entire documents filed by both the parties, the District Magistrate, Malda will pass a reasoned order within two months from the date of communication of this order. The petitioner is at liberty to communicate a server copy of this order to the B.D.O., Ratua – I Block and the District Magistrate, Malda for information and compliance.

The instant writ petition is, thus, disposed of with above order, however, without cost.

It is made clear that this Court while passing of the above order has not gone into the merits of the matter and all points are left open for consideration by the District Magistrate, Malda.

(Bibek Chaudhuri, J.)