

Item No. 32

14.12.2020
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction

WPA No. 8164 of 2020
Pravanshu Manna
v.
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Ms. Rimpi Mukherjee
... for the petitioner.

The petitioner was engaged on contractual basis as Ayurvedic Pharmacist in the year 2012. The engagement was initially for a period of one year and the same has been renewed from time to time. Last such renewal was made by an order dated January 3, 2020, for a period of one year, with effect from November 7, 2019.

The petitioner submits that an untoward incident took place pursuant to which an FIR was lodged against him and he was sent to the correctional home. The petitioner states that he has a history of mental illness and while he was in custody in the sub-correctional home he was transferred for treatment and management to the Institute for Mental Care, Purulia.

The Medical Officer of Health of the Heria Primary Health Centre by a certificate dated January 16, 2020 certified that the petitioner was physically fit and

mentally alert for performing his normal job. Armed with the aforesaid fitness certificate the petitioner sought to join his duties but he was restrained from doing so. The petitioner thereafter made several representations before the authorities permitting him to resume his duties but the petitioner alleges that none of the representations has been considered by the authorities till date.

None appears on behalf of the respondents despite service.

It appears from the order dated January 3, 2020 that the period of contract of the petitioner has expired in November 2020. The authority is yet to take a decision whether or not to allow the petitioner to resume his duties.

Accordingly, the writ petition is disposed of by directing the respondent no. 2 being the Chief Medical Officer of Health, Purulia to take a decision in respect of the representation made by the petitioner whether or not to allow him to resume his duties, in accordance with law, within a period of six weeks from the date of communication of a copy of this order and pass a reasoned order and communicate the same to the petitioner immediately thereafter. The said respondent shall afford an opportunity of hearing to the petitioner when he will be permitted to rely upon the documents in support of his medical fitness.

It is made clear that this court has not gone into the merits of the case and all points are left open to be decided by the Chief Medical Officer of Health, Purulia at the time of consideration of the representation of the petitioner.

WPA 8164 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)