

16.04.2021.
Item no.41.
Court No.13
ap

**W.P.A. No. 5036 of 2021
(Through Video Conference)**

**Dinesh Mahato
Versus
The State of West Bengal & Ors.**

Mr. Ashis Kumar Paul,
Ms. Moumita Karmakar.

...For the petitioner.

Mr. Susanta Pal,
Mr. Prabir Kumar Roy.

...For the State.

Affidavit-of-service filed by the learned Advocate for the petitioner in Court today be taken on record.

The writ petitioner claims to have engaged as a Village Police Volunteer sometime in 2013.

It appears from the terms and conditions of service that the same is temporary and contractual in nature.

The petitioner was charged sometimes in January, 2013 that he had committed an offence punishable under Section 376 read with Section 511 of the Indian Penal Code on 23rd December, 2012. The petitioner was disengaged from work.

By a judgment and order dated 30th March, 2017, the petitioner was acquitted of all charges by the learned Additional Sessions Judge, Islampur, Uttar Dinajpur.

The petitioner claims to have made a representation before the Superintendent of Police,

Uttar Dinajpur on 21st April, 2017. The said letter does not bear any receipt.

The petitioner waited for nearly four years thereafter and has come before this Court seeking direction upon the Superintendent of Police, Uttar Dinajpur to consider his claim for re-engagement.

This Court firstly finds that the petitioner's service was temporary and contractual in nature.

Even assuming for the sake of argument that the petitioner was falsely implicated in a charge under Section 376 of the Indian Penal Code and was acquitted in the year 2017, the four years delay in approaching Court after acquittal and the nine years delay in challenging the disengagement is fatal to the claims of the petitioner.

This Court finds that the writ petition is hopelessly barred by delay and laches.

Hence, no relief can be granted to the petitioner in this writ application.

Accordingly, the instant writ petition must fail and is hereby dismissed.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)

