

16.04.2021.  
Item no. 44.  
Court No.13  
ap

**W.P.A. No. 5211 of 2021  
(Through Video Conference)**

**Sri Khokon Rajbanshi  
Versus  
The State of West Bengal & Ors.**

Mr. Saibal Acharyya,  
Mr. Bidyut Baran Biswas.

...For the petitioner.

Mr. Susanta Pal,  
Mr. Biswajit Dutta.

...For the State.

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

The petitioner was functioning as a Civic  
Volunteer attached to Kaligunj Police Station.

A charge-sheet has been filed against the writ  
petitioner on 2<sup>nd</sup> July, 2019, inter alia, under Section  
498A/326/34 of the Indian Penal Code.

Admittedly, the criminal proceeding against the  
petitioner arises out of a family dispute and has got  
nothing to do with his service.

In those circumstances, the petitioner shall  
make a representation to the Officer-in-charge of  
Kaligunj Police Station with a copy to the  
Superintendent of Police praying for remobilization as  
Civic Volunteer within a period of ten days from date.

Upon receipt of such representation, the Officer-  
in-charge of Kaligunj Police Station shall take suitable  
decision on the re-engagement of the petitioner strictly

in accordance with law having regard to the fact that criminal proceedings against the petitioner are a result of domestic dispute and do not arise out of any act performed in course of service.

Let such representation be disposed of by the respondent no.2 within a period of one month from the date of receipt of a copy of the representation and be communicated to the petitioner within seven days thereof.

With the aforesaid directions, the instant writ petition shall stand disposed of.

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.)**