

22.04.2021

Ct. No.13

Sl. No.54

akd

**W.P.A. 6400 of 2021 [via video conference]
CAN 1 of 2021**

[Imtiaz Hussain -Vs- State of West Bengal & Ors.]

Mr. Bikash Ranjan Bhattacharyya .. Sr. Advocate
Mr. Aditya Mondal
Mr. Amritan Mondal
Ms. Ananya Chakraborty
... .. for the petitioner

Mr. Biswaroop Bhattacharyya
Md. Zohaib Rauf
... for respondent nos.2 & 3

Mr. Swapan Kumar Datta
Mr. Tapas Kr. Mandal
... .. for the State

The writ petitioner is aggrieved by order dated 6th January, 2021 terminating his services as Registrar of State Council of Unani Medicine, West Bengal. Certain doubts have been expressed by the Council as well as the State as to whether the writ petitioner was at all a Registrar or was officiating as Registrar.

Be that as it may, this Court finds that the procedure conceived of under the Paschim Banga Unani System of Medicine Regulations, 1984 has not been followed. The impugned order dated 6th January, 2021 shall, therefore, stand set aside.

The State Council of Unani Medicine, West Bengal and/or the State shall be entitled to institute any appropriate proceedings against the writ petitioner in accordance with the aforesaid Regulations and take steps in accordance with law.

The aforesaid proceedings may be concluded within a period of three months from date, if not earlier. The petitioner shall cooperate with the respondents in conduct of the enquiry.

The writ petitioner shall be prevented from joining or in any way going near the office of the State Council of Unani Medicine, West Bengal except as indicated hereinbelow and for the proceedings mentioned hereinabove, and also shall not leave station for a period of three months from date.

The criminal proceedings already instituted against the petitioner may be continued and be concluded expeditiously.

The State shall furnish a copy of the vigilance enquiry report to the petitioner as well as the State Council of Unani Medicine, West Bengal.

The petitioner shall hand over to the State Council of Unani Medicine, West Bengal any documents of the Council that are in his custody and any keys for access to any part of the Council against accountable receipt after joint inventory by the parties and/or representatives. The petitioner shall however, be paid his full salary and allowances until any formal proceedings are communicated to the petitioner in this regard. Upon initiation of proceedings if any the petitioner shall be paid as per applicable rules.

With the aforesaid observations, the writ petition is disposed of.

In view of disposal of the writ petition, the connected application being CAN 1 of 2021 is also disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for,
be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)