

S/L 22
29.06.2021
Court. No. 19
GB

WPA 10780 of 2021

Subrata Mukherjee
VS
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Robiul Islam.

...for the Petitioner.

*Mr. Raja Saha,
Mr. Amit Kumar Ghosh,
Mr. Rajendra Chaturbadi.*

...for the State.

This writ petition has been filed by a civic volunteer for orders directing the Superintendent of Police, Government Railway Police, Sealdah to re-engage the petitioner as a civic volunteer/civic police.

The contention of the petitioner is that although the petitioner was arrested for commission of a non-bailable offence, the name of the petitioner was not in the First Information Report. His name transpired from statements of the other accused persons. That the petitioner was not guilty and consequently the petitioner had been enlarged on bail. Thus, there was no embargo in allowing the petitioner to resume his duties.

Mr. Saha, learned advocate appearing on behalf of the respondents submits that even though the petitioner was not an FIR named accused, his involvement in the case is a matter of record. He further submits that the guidelines for

eligibility and services of civic police/civic volunteers provide that such volunteers may be terminated if they were found to be involved in a criminal case even before trial commences. Thus, according to Mr. Saha no orders directing re-engagement of the petitioner as a civic volunteer should be passed by this Court.

I have considered the rules and I have perused the documents. Whether the petitioner is ultimately acquitted from the crime or not is a matter of trial. The rules provide for termination in case of involvement in a criminal case. Nevertheless, it appears that the petitioner has made a request to his higher authority, that is, to the SRP Sealdah GRPS dated August 17, 2020 to re-engage him.

Under such circumstances, the petitioner is at least entitled to know the fate of his application and the concerned authority should dispose of the request of the petitioner intimating the petitioner the final decision in the matter.

This Court has not gone into the merits of the case of the petitioner and leaves it to the concerned respondents to take a decision. Let such decision be communicated to the petitioner within a period of two weeks from date of communication of this order.

This writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)