

23
10.12.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side
(Via Video Conference)**

**W.P.A 11947 of 2021
(Application not in file)**

**Md. Mahasin
-versus
State of West Bengal & Ors.**

**Mr. Nilanjan Adhikari,
Mr. Ron Chowdhury.
...For the Petitioner.**

**Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta.
...For the State.**

The allegation of the petitioner in the writ petition was that the District Primary School Council was not releasing his salary. The petitioner prayed for a direction upon the respondent authorities to allow him to join his service for the post of Assistant Teacher of the Betahal Primary School, P.O.-Talgramhat.

The matter has taken up for consideration by the Court.

During hearing allegation was made against the petitioner that he joined the service by using a fake appointment letter.

The Court directed the Superintendent of Police, Malda to interrogate the petitioner to know the truth of the allegation and file a report before this Court. Report has duly been filed.

From the said report, it appears that the name of the petitioner was not found in the list of empanelled candidates. The appointment letter was originally issued in the name of the genuine empanelled candidate Md. Mahidur Rahaman in Mothabari Dallumandaltola Primary School. At the time of joining the writ petitioner used fake and forged appointment letter which was not issued from the office of the District Primary School Council, Malda.

The report further mentions that during interrogation the writ petitioner Md. Mohasin confessed that he obtained the fake and forged appointment letter from one Giasuddin Sekh, Mobile No. 7063372599 in lieu of cash of Rs.4,00,000/- approx. He did not receive the appointment letter either through post or through email or through any text message over the phone. The petitioner was unable to produce any postal envelopment containing the original appointment letter.

It further appears from the report that a formal complaint is yet to be lodged against the petitioner.

It appears from the submission made on behalf of the petitioner that he received salary for the months of February, March, April, and May 2017. The petitioner was not entitled to receive salary at all as he is not the genuine person in whose favour the appointment letter was issued.

Accordingly, the petitioner is directed to refund the amount paid to him on account of salary in the office of the District Primary School Council, Malda through treasury challan within 31st December, 2021.

In the event the petitioner fails to refund the aforesaid amount, the same shall be recovered from him as arrears of land revenue.

The Superintendent of Police is directed to initiate appropriate proceedings against the petitioner through a responsible officer not below the rank of Deputy Superintendent of Police on the basis of the allegations that is already available before the authority and submitted before this Court today in the form of report.

The District Primary School Council, Malda and the other respondent authorities are directed to ensure that the proceeding to be initiated is proceeded in the right earnest and the same reaches a logical conclusion at the earliest.

The police is further directed to initiate appropriate proceedings against all the persons who were involved in the issuance of such fake appointment letter relying on which the petitioner obtained the job.

The report prepared by the Superintendent of Police, Malda is retained with the records.

The learned Registrar General is directed to communicate this order to the Superintendent of Police, Malda and to the District Primary School Council, Malda for taking necessary steps in the matter in compliance of the directions passed hereinabove.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)