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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 17170 of 2021

Samrat Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Sukumar Ghosh,
Mrs. Moumita Ghosh
.. For the petitioner.

Mrs. Jhuma Chakraborty,
Mr. Aritra Ghosh
.. For the State.

Affidavit of service filed in Court today is taken on record.

The petitioner while working as a Civic Volunteer under Pandua Police Station, District – Hooghly, was implicated in a criminal case, being Pandua Police Station Case No. 331/2020 dated 19th October, 2020 and had been arrested. The petitioner has, however, been enlarged on bail.

Charge sheet according to the respondents have already been filed against the petitioner under sections 323/325/354B/427/448/34 of the Indian Penal Code.

It is the allegation of the petitioner that without any show-cause, the petitioner has been restrained from joining his duties. The petitioner challenges such action on the part of the respondents.

On behalf of the respondents it is further submitted that the Officer-in-Charge of Pandua Police Station after the charge sheet was filed had requested the Superintendent of police, Hooghly (Rural) District, to demobilize the petitioner from 19th October, 2020 till disposal of the criminal case. The Zonal Committee of the said zone by a decision communicated vice memo no. 3092/RO dated 7th December, 2020 temporarily demobilized the petitioner due to his involvement in the criminal case with effect from passing of the said order dated 7th December, 2020.

The petitioner, however, disputes the filing of the charge sheet.

The fact remains that a Civic Volunteer on a contractual engagement which is also on temporary basis like the petitioner cannot question the action of being demobilized when he is admittedly one of the accused in a criminal case and had also been arrested in connection thereto. It is not unusual for the employer to lose confidence and reliance on a Civic Volunteer like the petitioner. The conduct of the petitioner is such that the employer can consider him to be disentitled to continue as a Civic Volunteer, assisting the police authorities.

The petitioner is therefor not entitled to any of the reliefs claimed in the writ petition. The writ petition is

accordingly dismissed without any order as to costs.

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

(Arindam Mukherjee, J.)