

June 9, 2022
Sl. No.10
Court No.1
s.biswas

FMA 1228 of 2021
With
CAN 1 of 2021

Kasem Molla @ Kesem Molla
vs.
The State of West Bengal and others

Mr. Mrinal Kanti Ghosh,
Mr. Chandra Nath Sarkar, Advocates
... for the appellant
Mr. Arjun Ray Mukherjee,
Mr. Joyjeev Medhi, Advocates
... for the State

By this appeal the writ petitioner has questioned the order of learned Single Judge dated 01.03.2021 whereby WPA 17502 of 2019 has been dismissed.

The case of the appellant is that he was appointed as Civil Police in the year 2014 under the Ausgram Police Station and the Identity Card in his favour was issued, but thereafter there was a complaint in G.R. Case No.2461 of 2014 for offence under Sections 341, 323, 324, 358, 506 and 34 of the IPC and he was implicated therein therefore he was not allowed to continue the job, but subsequently by the judgment dated 18.09.2018 passed by the learned Judicial Magistrate, 2nd Court, Burdwan, he was acquitted. Therefore appellant had submitted the application dated 25.08.2019 before the Superintendent of Police, Purba Bardhaman and then filed the writ petition with a prayer to command the official respondents to re-appoint the appellant.

Learned Single Judge has dismissed the writ petition by holding that the petitioner cannot claim re-appointment.

Learned counsel appearing for the appellant has submitted that another person, namely, Abdus Samad Shaikh alias Samad Sk. was similarly implicated in two criminal cases and was acquitted in both and with the similar prayer he had filed WPA 17501 of 2019 and the same learned Single Judge by order dated 26.02.2021 had disposed of the petition with a direction to the Superintendent of Police, Purba Bardhaman to consider the suitability of the said writ petitioner to re-engage him in accordance with law. Thereafter the said petitioner has been given appointment.

Learned counsel for the State has not disputed the above submission and also produced before us the written instruction received by him stating that the application for re-appointment of the appellant is in considerable stage. He has submitted that concerned Superintendent of Police is ready to consider the appellant's application.

Having regard to the issue of parity as also considering the submission made by learned counsel for the State, we dispose of the present appeal and connected application by setting aside the order of learned Single Judge and by directing the concerned Superintendent of Police to take appropriate decision on the appellant's

pending application for re-appointment in accordance with law as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of the copy of this order.

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

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]