

27.06.2022.
Court No.13
Item No. 42
ap

W.P.A. No. 8521 of 2021

**Sk. Saifuddin
Versus
The State of West Bengal & Ors.**

Mr. Sahan Shah,
Mr. Sirajul Haque Mondal.

...For the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das.

..For the State.

Mr. Sarwar Jahan,
Mr. Maidul Islam Kayal.

...For the respondent nos.2 & 3.

Ms. Monjuli Chowdhury,
Ms. Mekhla Sinha.

...For the respondent nos.5 & 6.

The petitioner was engaged as a Samprasarak in the Mainan Madhyamik Shiksha Kendra (MSK) PS-Joyur, district-Howrah.

A show-cause notice was issued to the petitioner on 16th September, 2016, regarding misbehaviour with the girl students. A large number of parents also complained against the petitioner.

The petitioner's service was terminated by an order dated 4th March, 2021, issued by the Additional Executive Officer, Howrah Zilla Parishad.

The petitioner has two-fold arguments before this Court. Firstly, that the Additional Executive Officer, Howrah Zilla Parishad does not have jurisdiction to issue the order of termination, and that

only the Panchayat Samity can do so. Secondly, that he has been working at the abovementioned institution even after issuance of show-cause notice in the year 2021 and hence, he is entitled to emoluments/payments for the said period.

This Court finds that the conduct of the petitioner is rather heinous and shocking. The petitioner's appointment is contractual and subject to immediate termination in the event of any misconduct.

This Court is satisfied that the principle of natural justice were duly followed in terminating the petitioner's engagement. The petitioner cannot claim any benefits from 2016 and up until 2021 since there is no evidence before this Court that he was working in MSK during that period. This Court even otherwise cannot believe that the petitioner was allowed to work in the MSK after 2016, although it is submitted that he has signed the attendance register.

In the above circumstances, this Court is of the view that the instant writ petition must fail and is hereby dismissed.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

