

16.02.2022
Item no.9.
Court 6/AB

M.A.T. 1313 of 2021

**With
I A CAN 1 of 2021**

**Allmamun Hoque
Vs
The State of West Bengal & Others**

Md. Sarwar Jahan,
Mr. Binay Shaw ...for the Appellant.

Mr. Jahar Lal De,
Mr. Debasish Chattopadhyay....for the State.

By consent of the parties, the appeal and the application are taken up together for hearing.

This is an appeal against a Judgment and Order dated March 8, 2021, whereby the appellant's writ petition was dismissed.

The appellant says that he was functioning as Village Level Entrepreneur at the concerned Gram Panchayet in Malda. His service was terminated. He challenged such termination before the learned Single Judge.

The learned Single Judge took pains to go into the detailed facts of the case and came to the conclusion that firstly, the appellant is not protected under Article 311 of the Constitution of India ; secondly, there are material to suggest the involvement of the appellant in the financial irregularity and thirdly, the appellant has confessed that he indulged in corrupt practice thereby enabling third parties to make undue gain at the expense of the State. The

learned Judge opined that the termination order does not warrant interference. Hence, this appeal.

Appearing for the appellant, learned Advocate submits that the confession was extracted from the appellant under duress. The appellant was in no manner involved with any scam. The real people, who were responsible for defalcation of funds, have gone scot-free. No action has been taken against them. The appellant has been made a scapegoat.

We have heard learned Counsel for the parties. The learned Judge has given full reasoning for the conclusion that he has reached. It is a logical order. There is apparently no infirmity in the order under appeal. The issues sought to be raised by the appellant before us cannot be conveniently gone into in a writ proceeding. While we may have sympathy for the appellant, we are unable to grant any relief to him in this appeal.

Since we have not called for affidavits, the allegations in the stay petition are deemed not to be admitted by the respondents.

The appeal being MAT 1313 of 2021 along with IA CAN 1 of 2021 stands, accordingly, dismissed.

Needless to say, this order will not prevent the appellant from approaching any other forum that may be available to him in accordance with law to challenge his order of termination.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)