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21.09.2022
(PP)
Ct 21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19628 of 2022

Santosh Ghosh
Vs.
State of West Bengal & Ors.

Mr. Tushar Kanti Mukherjee
.... For the petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Debdooti Dutta
....for the State.

Affidavit of service filed in Court today be retained
with the records.

The writ petitioner claims to be a Civic Volunteer who has been performing his duties from 2013 to 2018. It is his case that suddenly from 2019, the Officer-in-Charge, Gazole Police Station asked him to abstain from duty without any reason or notice. Since 2019, the writ petitioner has not been allowed to join duty. The writ petitioner states that his prayer to rejoin duty has not been considered by the Inspector-in-Charge, Goazole Police Station, Malda. The aforesaid contentions appear from his representation dated February 24, 2022.

Mr. Tushar Kanti Mukherjee, learned counsel, appearing on behalf of the writ petitioner submits that there was no reason for such sudden disengagement of the petitioner who has old parents and his own family to look after.

Mr. Mukherjee, learned counsel, appearing on behalf of the State respondents files a report which is retained as a part of the records.

It appears from the report filed by the Inspector-in-Charge, Gazole Police Station, Malda that Gazole P. S. Case No.678/18 dated December 16, 2018 was registered against the writ petitioner under Sections 448/323/325/307/354B/506/379/34 of IPC. After completion of investigation, charge-sheet was issued against the writ petitioner. The writ petitioner has successfully evaded arrest and thereafter, warrant of arrest was issued by the learned court against him. The writ petitioner was arrested and thereafter was released on bail. The writ petitioner has absented himself unauthorisedly from March 1, 2019 and was permanently demobilised on February 26, 2021, vide District Order No.617. The writ petitioner did not perform his duties for a single day since March 1, 2019 unauthorisedly till the date of his termination. Therefore, he was permanently demobilised from his voluntary service of a Civic Volunteer on February 26, 2021 and his name has been struck off from the empanelled list of Civic Volunteer of Malda district.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that the writ petition has not disclosed the fact

that he was arrested pursuant to Gazole P. S. Case No.678/18 either in the writ petition or in the representation dated February 24, 2022. Furthermore, the writ petitioner has not revealed before this Court why he remained in unauthorised absence since March, 2019 till the date of his permanent demobilisation.

This Court finds that the non-disclosure in the representation as well as in the writ petition tantamounts to suppression of material facts, which disentitles the writ petitioner to claim any relief in an application under Article 226 of the Constitution of India.

Accordingly, the writ petition, being **WPA 19628 of 2022**, is **dismissed**.

However, there will be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)