

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9098 of 2020

Manodipta Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Pritam Chowdhury
Mr. Abhishek Addhya
Mr. Sayan Roy
... For the petitioner

Mr. Md. T.M. Siddiqui
Mr. Parikshit Goswami
... For the State

The petitioner has challenged a memo dated 1st October, 2020 (appearing at page 19 of the writ petition). The said memo has been issued by the Additional District Magistrate (G), Bankura to the Sub-Divisional Magistrate, Bishnupur Sub-Division. A copy of the said memo is endorsed to the Public Prosecutor, Bankura. The petitioner says that by a memo dated 3rd October, 2016, the petitioner was selected for being engaged as an Assistant Public Prosecutor on purely temporary basis for the Court of the learned 2nd Court under the Court of the learned Additional Chief Judicial Magistrate, Bishnupur. The petitioner further says that since then the petitioner has accepted the engagement and has been functioning as the Assistant Public Prosecutor in the said court, he can be removed only on the happening of the events mentioned in the said letter dated 3rd October, 2016. The

letter dated 1st October, 2020 seeks to take away the petitioner's engagement.

Considering the fact that the memo dated 1st October, 2020 does not reflect that the petitioner's engagement was being taken away, a report was called on from the State respondents. A report affirmed on 6th May, 2022 in this regard is made over to Court and is taken on record.

After hearing the parties and considering the materials on record and in particular the memo dated 6th August, 2020 annexed at page 15 of the report filed by the State respondents, I find that the resignation letter of the petitioner has been treated as cancelled. As a result whereof, the petitioner was allowed to continue and is still continuing with the engagement. The net result is that the memo dated 1st October, 2020, which is under challenge in the instant writ petition, has not been given effect to. The report from the State respondents clarifies this position.

In the aforesaid facts and circumstances, I do not find that the grievance of the petitioner as made out in the writ petition still subsists. Nothing further remains to be adjudicated in this writ petition.

The writ petition is, therefor, required to be disposed of without any further orders and is, accordingly, disposed of.

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

(Arindam Mukherjee, J.)