

20.03.2023
DL-13
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3784 of 2023

Bhiku Mandal
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kumar Ghosh,
Mr. Soumajit Bhatta
....for the petitioner.

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

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

Mr. Ghosh, learned counsel appears on behalf of
the petitioner and submits that the petitioner is
working as a Home Guard under the Superintendent
of Police (Home Guard), Malda Police Station. A
previous writ petition, being WPA 26503 of 2022, was
disposed of by an order dated December 12, 2022
passed by this Court.

It was submitted on behalf of the State in the
previous writ petition that by a representation dated
October 27, 2022, the petitioner prayed for
reinstatement and had given a certificate that he was
medically **fit** to join duty. Therefore, the petitioner
was allowed to rejoin his duties.

Since this Court found the fact that the prayer the petitioner made for reinstatement was suppressed before this Court, the aforesaid writ petition was dismissed.

The petitioner has again made a representation before the authorities concerned on December 31, 2022 to be medically examined by the board for assessing whether he is **fit** to continue with his services. He prays for *voluntary retirement* in the event he is held to be **unfit** by the board.

Ms. Dutta, learned counsel appears on behalf of the State respondents.

Considering the submissions of the parties and the materials placed on record, this Court directs consideration of the representation dated December 31, 2022 by the respondent no.3/the Superintendent of Police, Malda or any other authority assigned/delegated by him within 10 weeks from date. The reasoned order passed on the representation shall be communicated to the petitioner within 2 weeks of passing thereof.

With the directions aforesaid, **WPA 3784 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the said writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

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.)