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17.5.2023  
S.D.

**W.P.A. 5068 of 2023**

**Tarun Ghosh & Ors.  
Vs.  
State of West Bengal & Ors.**

Mr. Rajarshi Basu  
Mr. Probal Sarkar  
Ms. Sk. Kiran  
Mr. Lal Ratan Mondal

... For the Petitioners

Mr. Tapan Kumar Mukherjee, A.G.P.,  
Mr. Dipankar Dasgupta  
Ms. Debdooti Dutta

..For the State

Report on affidavit and the exception thereto filed in  
Court today are retained with the records.

By an order dated December 14, 2022 passed in W.P.A.  
25001 of 2022, this Court recorded that the representations of  
the petitioners to be engaged as Civic Volunteers instead of  
Traffic Warden has to be considered by the Superintendent of  
Police, Murshidabad. From a report filed in Court in the  
previous writ petition, it appeared that 126 Traffic Wardens  
were engaged in 2016, but the names of the writ petitioners  
did not appear in the said list.

Mr. Mondal, learned counsel appearing on behalf of the petitioners on December 14, 2022 disputed such position and submitted that the petitioners were on the pay roll as in August 2016.

The present writ petition has been filed pursuant to the reasoned order passed in compliance of this Court's order dated December 14, 2022. The reasoned order passed by the Superintendent of Police is dated February 6, 2023 (hereinafter referred to as the impugned order). In the impugned order, the Superintendent of Police found that the petitioners were not attached as Traffic Wardens since long and, therefore, the names of the petitioners were not included in the enrolment list of Civic Volunteers.

From the Report-on-Affidavit filed by the State respondents, it appears that only the name of the petitioner no. 1 appeared in the list maintained with them in February 2012. The names of other writ petitioners have not been found in the official records. In the Exception filed to the Report, certain documents have been annexed to show that the petitioners worked as Traffic Wardens on various dates from 2012 till 2015.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that no

document has been annexed to show that the petitioners were on the pay roll in 2016. The documents annexed to the exception do not in any way show that the petitioners were engaged as Traffic Wardens with the respondent authorities. In any event such documents are disputed.

In the light of the discussions above, this Court does not find any arbitrariness or capriciousness or perversity in the impugned order dated February 6, 2023.

Therefore, **W.P.A. 5068 of 2023 is dismissed.**

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

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

**(Lapita Banerji, J.)**