

May 01, 2023
(83) ARDR

WPA 11207 of 2021

Sk. Mujahid Ali
Vs.
The State of West Bengal & Ors.

Adv. Jyoti Prakash Chatterjee,
Adv. Debottom Das,

...for the petitioner.

Adv. Raja Saha,
Adv. Ranjit Rajak,

...for the State.

Written notes of argument as handed over in Court today on behalf of the petitioner is retained with the records.

The G.D. entry dated May 31, 2017 as handed over in Court today is also retained with the records.

Mr. Chatterjee, learned counsel appearing on behalf of the petitioner, submits that the petitioner worked as civil police volunteer. He discharged his duties diligently from October, 2013. However, he was demobilised on July 4, 2017 without any reason or communication whatsoever.

Mr. Saha, learned counsel appearing on behalf of the State respondents, submitted on the previous occasion that since the petitioner failed to discharge his duties diligently he was demobilised. The petitioner was entrusted with the duty of collecting information regarding two notorious criminals. The petitioner failed to give such vital information. The same information was given by another person by the name of one Kaushik

Sen. After receipt of such information, by the time the O/C, Katwa Police Station reached the place where the criminals were residing, they had already left the said place. When the O/C tried to contact the petitioner he was unable to do the same. Therefore, the same was informed by the Officer-in-Charge to the Superintendent of Police and the petitioner was demobilised by the Superintendent of Police, Purba Burdwan on July 3, 2017.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that the petitioner was demobilised from his contractual engagement in July, 2017 and the instant writ petition is filed in June, 2021, after approximately four years from the date of demobilisation. Now the petitioner is seeking to challenge the duties that were allocated to him between 2013 and 2017. A notification dated October 1, 2011 has been relied upon to show that the duties of civil police volunteer force could not have extended to keep vigil over the notorious criminals since they were not trained to do so. The said position has been clarified by an order dated March 21, 2023 passed by a coordinate Bench in WPA 25216 of 2022 (**Kanchan Sharma vs. Union of India & ors.**) on the issue that a civil volunteer cannot be entrusted with law enforcement duties. The facts of that case have not been placed before this Court.

This Court is of the view that in the event keeping vigil over a person and informing whether he is seen in the area is held to come under the purview of “law enforcement duties” even then the said order dated March 21, 2023 passed by the coordinate Bench was in respect of the duties that were to be allocated to the volunteers in future. Therefore, the order passed by a coordinate Bench on March 21, 2023 cannot be now be relied on to challenge a duty that was allocated to the petitioner prior to 2017. The said order cannot be argued to apply with retrospective effect.

In the light of the discussions above, this Court finds no merit in the present writ petition.

Accordingly, **WPA 11207 of 2021 is dismissed.**

It is reiterated that engagement of the petitioner was purely a contractual engagement which the petitioner failed to discharge to the satisfaction of the Superintendent of Police.

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

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

(Lapita Banerji, J.)