

12.05.2023
Court No. 19
Item 18
CP

WPA No. 10967 of 2023

Sonamoni Saha
Vs
The State of West Bengal & Ors.

Mr. Zia Haque
Mr. Arka Bhattacharya
... for the Petitioner.

Mr. Jahar Lal De
Ms. Debarati Sen (Bose)
....for the State.

The writ court cannot direct the Block Development Officer to reinstate the Pradhan against whom there are allegations of embezzlement of funds. The Pradhan was holding a public office. The Comptroller and Auditor General is also making an enquiry as per the direction of the Hon'ble Division Bench passed in a public interest litigation with regard to the same offence.

Hence, the decision of the Block Development Officer not to reinstate the petitioner after she was released from custody on bail, is not erroneous. The petitioner was in custody for almost 9 months. The prescribed authority is correct in the observation that unless the petitioner is honourably acquitted from the charges, her claim for being reinstated cannot be decided by the authority under the special circumstances.

Accordingly, the writ petition is disposed of without any orders in favour of the petitioner.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)