

23.
10.10.2023
S.D.

W.P.A. 23305 of 2023

**Sudip Khanra @ Sudip Khara
Vs.
The State of West Bengal & Ors.**

Mr. Debasis Sur
Mr. Hare Krishha Halder
...For the Petitioner

Mr. Pinaki Dhole
Mr. Sayan Datta
..for the State

By an order dated December 5, 2022 passed in W.P.A. 25277 of 2022, this Court directed the representation of the petitioner to be considered by the District Magistrate, Paschim Medinipur. The petitioner was working in Group-D post on contractual basis with the Nezarath Deputy Collector (NDC), Paschim Medinipur. The petitioner got anticipatory bail on August 1, 2022. However, the petitioner was suspended from the aforesaid post. Pursuant to the order dated December 5, 2022 passed by this Court, a reasoned order was passed on September 5, 2023 by the District Magistrate. Such order is impugned in the present writ petition.

The learned District Magistrate found that the petitioner had access to manipulate the note sheet of the bank and he had so manipulated the Note Sheet dated December 3,

2021. Instead of the actual owner's name being recorded in the Note sheet, the petitioner manipulated the name of his wife with her account number, on the same. He also admitted in his deposition that he changed the name of the actual owner to the name of his wife. The same was done in the petitioner's own handwriting.

From the bank statement, it became evident that the money was transferred to his wife's bank account. Such bank statement was made a part of the record of the proceedings. Therefore, it was held that the petitioner violated Rule -3, Sub-Rule - 1, 2, 5 and 6 (A) of the West Bengal Service (Determination of Seniority) Rules, 1981. The action of the petitioner was held to be criminal in nature and detrimental to the cause of public service.

Therefore, the learned District Judge held that there was reason for cancellation of the order of suspension of the petitioner.

This Court finds no perversity or arbitrariness in the decision making process by the learned District Magistrate, Paschim Medinipur.

Accordingly, it finds that there is no merit in the present writ petition.

A litigant cannot pray for discretion to be used in his favour in an application under Article 226 of the Constitution of India after approaching the Court with unclean hands.

Therefore, **W.P.A. 23305 of 2023** is **dismissed**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server 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 the formalities.

(Lapita Banerji, J.)