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Ct No
21
AGM

19.01
2023

W.P.A. 24346 of 2022

**Sri Biswajit Chakraborty
Vs
State of West Bengal & Ors**

Mr. Supratim Dhar,
Mr. Tirupati Mukherjee

... For the Petitioner.

Ms. Piyali Sengupta,
Mr. Rajat Dutta,

... For the State.

Supplementary affidavit filed in Court today is retained with the records

The petitioner was engaged as a Malaria Technical Supervisor (MTS) on February 24, 2016 in the office of the Chief Medical Officer of Health (CMOH), Bankura, District Health and Family Welfare Samity. Thereafter, the petitioner claims to have been performing his duties satisfactorily and his engagement was extended from time to time.

The petitioner was involved in a criminal case lodged at the Khatra Police Station being Case No. 85 of 2021. The petitioner was granted bail by the Hon'ble Division Bench of this High Court on March 23, 2022.

Thereafter, petitioner has made several representations including the one on March 28, 2022, June 1, 2022 and June 6, 2022 for his re-engagement.

Since the authorities concerned did not consider the representations of the petitioner, the petitioner filed

the instant writ petition.

During the pendency of the writ petition by an order dated November 30, 2021 the authorities rejected the petitioner's prayer for renewal of engagement on the ground that the petitioner was not able to satisfactorily perform his duty. The petitioner did not perform his duty for more than four and a half months during the contract period of April 1, 2021 till March 31, 2022. Therefore, the scope of assessing the petitioner's performance was considered to be very little. Furthermore, the authorities took into consideration the fact that the petitioner was in police custody for 143 days. Therefore, the said authorities did not renew the contract of the petitioner.

The rejection order by the CMOH, Bankura was brought on record by way of a supplementary affidavit.

Ms. Piyali Sengupta, leaned counsel appears on behalf of the respondents.

Having considered the rival submissions made by the parties and materials on record, this Court is of the view that the employer has taken a reasoned decision in disposing of the representations of the petitioner. To the mind of this Court the reasons provided by the employer are neither arbitrary nor perverse nor arrived at with mala fide intention.

In the circumstances, **WPA 24346 of 2022** is **dismissed** without any order as to costs.

Since no affidavits have been directed to be

exchanged by the parties, all the allegations contained therein are deemed not to have been admitted by the parties.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Lapita Banerji, J.)