

04.
18.1.2023
S.D.

W.P.A. 28965 of 2022

**Sanati Hansda & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sankar Prasad Dalapati
Mr. Satyajit Mahata
Mr. Sourav Mondal

...For the petitioners

Mrs. Sulekha Mitra
Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

...For the Respondent Nos. 7 to 13

Mr. Pritam Choudhury
Mr. Abhisek Addhya

..For the Respondent Nos. 14 to 17

Mr. Subir Pal

...For the State

Mr. Dalapati, learned counsel appearing on behalf of the petitioners undertakes to pay deficit Court fees by tomorrow.

The petitioners claim to have participated for appointment as Civic Volunteers from the special category of Sports pursuant to an advertisement dated October 16, 2020 issued by the Secretary (Co-ordination), Home and Hill Affairs, Government of West Bengal.

The petitioners are aggrieved by the fact that despite some of the candidates who participated in the Jangal Mahal

Police Cup held for the year 2020-21 were engaged in the category Pata/Dance, the petitioners were not engaged.

Pursuant to an order passed by the Coordinate Bench in W.P.A. 14696 of 2021 on February 4, 2022 *inter alia* enquiring about the participation of the petitioners in Jangal Mahal Police Cup on behalf of Rampur Runu Jhunu Gaonta Pata/Dance Group, the District Magistrate was directed to personally hold an enquiry and file a report before the Hon'ble Coordinate Bench. The District Magistrate was given the liberty to consider all electronic and digital materials and take assistance of technical experts while scrutinizing such materials along with the signature of one Niranjana Murmu who signed the documents on behalf of the said Group.

Pursuant to the directions given by the Hon'ble Court, the District Magistrate filed a report dated June 17, 2022. The four questions which were put for enquiry were answered in detail. The evidence that he sifted for the purpose of answering the said questions has been described in detail in his report. After giving a personal hearing to the said Niranjana Murmu and the petitioners and also other members of the said Dance Group, the District Magistrate came to the finding that the petitioners could not substantiate their claim

of participating in the said event, through the documents submitted at their end. The District Magistrate also relied on the report of the Superintendent of Police, Purulia for ascertaining the names of 30 persons who participated in the said event.

After considering the enquiry report prepared by the learned District Magistrate on June 17, 2022, the Hon'ble Coordinate Bench came to the finding that correctness of the factual findings made by the District Magistrate cannot be gone into sitting in Writ jurisdiction. Therefore, he disallowed the petitioners' prayer to file an exception to the report filed by the learned District Magistrate. The writ petition was disposed of. The petitioners were given liberty to assail the report of the learned District Magistrate, if advised, in accordance with law.

The petitioners have chosen to file the present writ petition being W.P.A. 28965 of 2022 for setting aside and/or quashing of the report of the District Magistrate, Purulia dated June 17, 2022 and for appointment of the petitioners as Civic Volunteers.

Mr. Dalapati, learned counsel appearing on behalf of the petitioners submits that the writ petition is maintainable since the Hon'ble Coordinate Bench had given liberty to the

petitioners to assail the report of the District Magistrate in accordance with law.

Mr. Subir Pal, learned counsel appearing on behalf of the State submits that the earlier writ petition has been disposed of by holding that the correctness of the factual aspects of the writ petition of the District Magistrate cannot be gone into in Writ jurisdiction. Therefore, this writ petition is not maintainable.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that a Coordinate Bench has unequivocally decided that the factual aspects of the correctness of the report filed by the District Magistrate cannot be gone into the writ jurisdiction. The petitioners were also denied the liberty of filing an exception to the said report.

Despite the aforesaid, the petitioners again chose to file the present writ petition for assailing the factual aspects of the report dated June 17, 2022 passed by the District Magistrate. Such an act/conduct on the part of the petitioners is not appreciated by this Court.

This Court also finds that there is no challenge to the order dated July 6, 2022 by the petitioners.

In the light of the discussions above, **W.P.A. 28965 of 2022 is dismissed.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the writ 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 **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.)