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Ct .2024
No24
AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 5423 of 2024

**Sri Jayanta Nath Roy
Vs
State of West Bengal & Ors.**

**Mr. Sobhan Majumdar.
Ms. Kalpita Paul.**

... For the petitioner.

**Mr. Swapan Banerjee.
Mr. Soumen Chatterjee.**

... for the State.

The petitioner was serving in the Gram Panchayat as a Village Level Entrepreneur on contractual basis.

First Information Report was lodged against the petitioner on 28th August, 2015 alleging misuse of Government MGNREGA fund.

Allegation was that the petitioner was involved in the matter. He activated the abovementioned Scheme MGNREGA MIS without authorization through Form 4B and later released payment using Fund Transfer Order in favour of the job cardholders without informing the Gram Panchayat.

On and from 2nd November, 2015, the petitioner was disengaged from service in any gram panchayat related work.

The criminal proceeding which was initiated against the petitioner stood disposed of on 22nd November, 2021 whereby the petitioner was found not guilty of the offence

and was acquitted from the case.

The petitioner prays for re-engagement in the panchayat.

Learned advocate representing the State respondents oppose the submission of the petitioner.

It has been submitted that the petitioner was engaged on contract on temporary basis and no right accrued in his favour to claim re-engagement. The service of the petitioner stood disengaged in the year 2015. The petitioner did not approach the Court at that point of time. The judgment was delivered by the learned criminal Court in the year 2021. The petitioner applied for re-engagement in the year 2021 and thereafter filed the instant writ petition in the year 2024. There is no explanation with regard to the delay on the part of the petitioner in approaching the Court. Prayer has been made for dismissal of the writ petition.

I have heard the submission made on behalf of both the parties. Admittedly, the service of the petitioner was contractual and temporary. No legal right accrued in his favour to remain in service for any period after his disengagement. He was found to have defalcated funds, however, the criminal case which was initiated against him stood dismissed.

Dismissal of a criminal case and acquittal therein does not ipso facto give rise to any right in favour of a contractual employee to seek re-engagement. The petitioner was not a permanent employee and he did not have any lien over the post in which he was serving. On

disengagement from service, all contractual relationship between the employer and employee ceased.

At this stage there is hardly any scope to direct the respondent authorities to consider the prayer of the petitioner for re-engagement.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)