

11.07.2024
Sl. No.11
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15325 of 2024

Tapas Bera
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath
.....for the petitioner.

Mr. Dipanjan Dutta,
Mr. Subhajit Chowdhury
.....for the State.

The petitioner was engaged as a civic police/volunteer. The petitioner claims that he was lastly attached with the Intelligence Branch under the control of Tamluk, Purba Medinipur Head Quarter. A police complaint was lodged against the petitioner which was treated as a First Information Report (FIR) and Marishda Police Case No.90/2023 dated 9th May, 2023 was instituted. The petitioner, being implicated in the said criminal case, was arrested but later on has been enlarged on bail. The petitioner alleges that despite being enlarged on bail, the petitioner was demobilized temporarily with effect from 9th May, 2023 by a memo dated 19th May, 2024 issued by the Special Superintendent of Police (I), Intelligence Branch, West Bengal until further orders for violation of rules and regulations, indiscipline conduct, gross

dereliction of duty as well as his involvement in the police case. The petitioner says that he has been wrongfully demobilized. The petitioner has made representation before the Special Superintendent of Police (I), Intelligence Branch, West Bengal, but the same has not been disposed of.

The petitioner's engagement as civil volunteer was to assist the police force. The petitioner, therefore, had to discharge an important role in order to assist the police personnel in maintaining the law and order situation. The petitioner himself got implicated into a criminal case for which he was arrested. Even though the petitioner has been enlarged on bail, but it is not unusual on the part of the employer in losing confidence in the petitioner on having noticed the petitioner's involvement with a criminal case, that too of serious charges. The image of the police force in the eyes of public at large is also likely to be tarnished if the petitioner who himself is implicated in a criminal case is allowed to assist police.

The petitioner was empanelled and subsequently engaged under certain government circulars without there being any service or conduct rules which commands the employer to follow such rules before demobilizing the petitioner. The criminal case is

pending for trial after the charge sheet has been filed against the petitioner.

After hearing the parties and considering the materials on record, I do not find any illegality or irregularity on the petitioner being demobilized. I also do not find any reason to direct the concerned authority to consider and dispose of the petitioner's representation,

The writ petition is, therefor, dismissed. However, dismissal of the writ petition will not stand in the way of the petitioner in seeking to be considered for being engaged as a civic volunteer if he is acquitted in the criminal case and is able to fulfill other applicable conditions on the date when he approaches after the acquittal.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)