

Form No. J.(2)
Item No. 3
AB

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Aniruddha Roy

**W.P.A. 6298 of 2025
With
CAN 1 of 2025**

Pintu Bauri
Vs.
The State of West Bengal & Ors.

For the petitioners	:	Mr. Tarapada Das, Advocate Mr. Mahadeb Khan, Advocate
For the State	:	Mr. Vimal Kumar Shahi, Ld. AGP Mr. SM Samim Ullah
Heard on	:	July 02, 2025
Judgment on :	:	July 02, 2025

Aniruddha Roy, J.

Facts :

1. The petitioner was engaged as a **Village Police** at Taldangra, District Bankura with effect from 2017. Till 2019 he has discharged his duty. Then during the period between **July 5, 2019** and **September 6, 2019** the petitioner was absent from his duty without showing any reason before his employer. The engagement of the petitioner was contractual.

2. The petitioner then submitted an application dated **August 1, 2022** (as corrected), **annexure P-2 at page 13** to the writ petition with a prayer to allow him to resume his duties before the State authority. Relying upon a medical certificate dated **September 7, 2021** petitioner contends that during the period between **July 5, 2019 and September 6, 2021** the petitioner was suffering from chronic Rheumatoid Arthritis and as such the petitioner was advised to take rest. The petitioner was certified by the concerned Doctor to resume his duty from **September 7, 2021, annexure P-1 at page 12** to the writ petition.
3. The said application of the petitioner dated **August 1, 2022** was sent before the Director General and Inspector General of Police, West Bengal by a communication dated **May 19, 2023, annexure P-3 at page 14** to the writ petition.
4. Since the application of the petitioner for resumption of his duty was not considered, the petitioner submitted several subsequent representations, *inter alia*, dated July 15, 2024. Petitioner has also submitted application under the Right to Information Act, 2005 seeking certain information dated February 5, 2025, annexure P-5 at page 16 to the writ petition.
5. By an impugned communication dated **February 24, 2025 at page 17** to the writ petition, the petitioner was informed that he was **Demobilized** from the post of Village Police on **September 10, 2019**.

6. Challenging the said action of the authority demobilizing the petitioner, he has filed the instant writ petition.

Submissions:

7. Mr. Tarapada Das, learned advocate appearing for the petitioner submits that, even till today the application submitted by the petitioner way back on **August 1, 2022** has not been disposed of and the petitioner has not been allowed to resume his duty. The specific submission on behalf of the petitioner is that, due to severe illness the petitioner was absent from his duty during the period, as referred to above.
8. Learned counsel for the petitioner then refers to a communication of the mother of the petitioner dated **May 2, 2018, annexure R-2** at **page 15** to the exception to the report filed by the petitioner by way of affidavit (for short, the said exception), and submits that, at the relevant point of time in the circumstances stated in the said letter entire family of the petitioner and his mother were confined to their dwelling house and could not come out. Thereafter during the period between **July 5, 2019 and September 6, 2021** for more than two years petitioner suffered from severe illness as would be evident from the medical certificate at **page 12** to the writ petition and the petitioner was absent. Petitioner now prays for resumption of his employment.

9. Mr. Vimal Kumar Shahi, learned Additional Government Pleader has referred to, *inter alia*, two paragraphs from the report filed in the form of affidavit (for short, the report) which are quoted below:

“7. That I further submit that on in terms of GO No. 2302-PL/BMC/14-M-63/12 dated 24.05.2012 of Home (Police) Department, Govt, of West Bengal, one Village Police Volunteer for each Gram Panchayet was decided to be deployed on certain terms and conditions. Accordingly, the Writ Petitioner was recruited to the post of Village Police Volunteer but his joining was deferred for non-clearance of Police Verification in that one criminal case being Taldangra PS Case No. 07/2011 dated 30.01.2011 U/S 342/323/325/34 IPC was pending against him. Finally, after acquittal from the said case, the Writ Petitioner joined in the post of Village Police Volunteer in the year 2017.

8. That, ever since his joining the Writ Petitioner was found very reluctant in discharge of his duty and was a very poor performer. In the year 2019 he remained detached from his duty and even remained absent from duty unauthorisedly and without intimation from 01.06.2019 to 19.07.2019.”

10. Learned Additional Government Pleader further submits that, there was not a single *bona fide* attempt made by or on behalf of the petitioner to

explain his unauthorized absence during the said period for more than two years between July 5, 2019 and September 6, 2021.

11. Learned Additional Government Pleader further submits that, it is a contractual employment and not against any permanent post. The petitioner cannot maintain this writ petition. In as much as, there is no question of resumption of duty of the petitioner, since he was Demobilized long back on **September 10, 2019**.

Decision :

12. After considering the rival contentions of the parties upon perusal of the materials on record it appears to this Court that, the engagement of the petitioner as a Village Police was contractual engagement and not a permanent employment. The period between July 5, 2019 and September 6, 2021 is an admitted period when the petitioner remained absent in his employment without any authority of law. The medical certificate allegedly shows that the petitioner was advised to take rest during July 5, 2019 till September 6, 2021 but not a scrap of document has been produced through the record that what steps petitioner has taken during the said period before his immediate employer to explain the said long silent absence.
13. Contractual employment and the termination thereof is incidental to the contract. Such cause cannot be taken up by this Court in constitutional writ jurisdiction. In as much as, in absence of any plausible explanation with supportive materials for the period for more

than two years when the petitioner was absent in his employment, this Court in exercise of its equitable jurisdiction also shall not interfere with the decision of Demobilization of the petitioner.

14. Accordingly, the impugned decision for demobilization of the petitioner is **not interfered with** and the same stands **affirmed**.
15. In view of the foregoing reasons and discussions, this Court finds this writ petitioner is devoid of any merit and accordingly this writ petition **W.P.A. 6298 of 2025** stands **dismissed** without any order as to costs.
16. In view of the dismissal of the said writ petition the connected application being **CAN 1 of 2025** also stands **disposed of** without any order as to costs.
17. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)