

07.03.2025
Court No.23
DL/Item No.-7
[Milan, A.R. (Ct.)]

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 9557 of 2022
With
CAN 1 of 2024

Mamayun Ali
versus
The State of West Bengal & Ors.

Mr. Bikashranjan Bhattacharyya,
Mr. Jamiruddin Khan
.....for the Petitioner
Mrs. Sukla Das Chandra
.....for the State
Mr. Ram Mohan Pal
.....for the Respondent No.2

Affidavit-in-opposition on behalf of the respondent
no.2 filed in Court today is taken on record.

The petitioner participated in a selection process
held in terms of Employment Notification No.01 of 2019,
dated 17th June, 2019 published by the Office of the
District Judge, Howrah, English Department.

The petitioner has submitted that he was
successful in respect of the said selection process under
the category Un-Reserved (UR) Exempted Category (EC)
for the post of Process Server.

Subsequent to filling up the application for the
aforesaid selection process, the petitioner was
implicated in a criminal proceedings initiated by an FIR

dated 2nd May, 2020 in connection Lalgola Police Station Case No.191/2020. The petitioner though was selected but was not given the appointment letter in view of such subsequent criminal proceedings being pending. Since the criminal proceedings is subsequent to the application form being filled up, the petitioner cannot be accused of having suppressed material fact which would disqualify the petitioner as per the parameters set for the selection process. The petitioner has been honorably acquitted by a judgment and order dated 25th July, 2024 passed by the Learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad. The petitioner says that since the criminal case has been dropped against the petitioner, on being acquitted, the petitioner has become entitled to assert his right to be appointed under the subject selection process.

This Court, by an order dated 5th July, 2022, had restrained the respondents to fill up the vacancy for which the petitioner was selected and the selection shall abide by the result of this writ petition.

After having been acquitted, there remains no further ground on the basis whereof, the petitioner can be deprived of his employment.

In the aforesaid facts and circumstances, I direct the respondents and each of them and in particular the respondent no.2 to offer appointment to the petitioner within a period of 15 days from the date of

communication of server copy of this order duly downloaded from the official website of this Court. The respondents shall act on the basis of such server copy without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The writ petition being WPA 9557 of 2022 along with connected application being CAN 1 of 2024 is accordingly disposed of.

(Arindam Mukherjee, J.)