

10. **27.11.2025**
 Court No.03.

 (Pritam)

WPA 16100 of 2025.

Debdas Banerjee.

-Vs.-

The State of West Bengal & Ors.

Mr. Arup Kumar Lahiri,
Mr. Dr. Bishnupada Dutta.

....for the petitioner.

Mr. Jahar Lal De, Ld. AGP.

....for the State.

Mr. Nilanjan Adhikari,
Ms. Oindrila Sinha.

.....for the respondent nos.5, 6, 7 & 8.

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner claims that he was appointed as an employee in the Contai Municipality on 7th June, 1990 on temporary basis and his confirmation was subject to satisfactory completion of two years of service. The petitioner contends that he had continued in service to the satisfaction of the municipality and the Chairman of the municipality had also espoused his case for correction of his qualification and date of birth in the gradation list as would corroborate from letter dated 23rd March, 2009.

3. Learned advocate for the petitioner by relying on the appointment letter and a communication issued by the Chairman on 23rd March, 2009 addressed to the Director of Local Bodies would submit that since the petitioner had continued in service to the satisfaction of his employer, his services were confirmed and his employer sought for correction in the gradation list as well.
4. According to the petitioner, he was arrested in connection with a proceeding under Sections 498A/302/201 IPC and in connection with such proceedings, he remained in custody until he was acquitted, after the prosecution failed to establish the charge against him. After his release when the petitioner attempted to join the service, the municipality did not permit the petitioner to join and ultimately the petitioner has been compelled to institute the writ petition.
5. Although, from the judgment delivered by the Additional Sessions Judge, 1st Court, Contai, Purba Medinipur, in Sessions Trial Case No.501/2015 dated 1st October, 2024, it would transpire that the petitioner was in custody after his arrest between 2013-2024 till his acquittal, however, an observation has been made in the judgment that the accused had furnished bail bonds.

6. Be that as it may, without going into such controversy, at this stage, I am of the view that taking note of the fact that on the basis of submissions made by the learned advocate for the municipality that no proceeding was initiated against the petitioner for removal/suspension from service, I am of the view that the municipal authorities must consider the petitioner's case for being allowed to join in service.
7. In this context, in the event the petitioner files a fresh representation with the municipality, disclosing all grounds, *inter alia*, including all documents to support that he remained in custody between 2013-2024, the same shall be decided in accordance with law after giving him opportunity of hearing, as expeditiously as possible preferably within a period of the six weeks from the date of filing of such representation, by passing a reasoned order.
8. With the above observations, the writ petitioner stands disposed of.

(Raja Basu Chowdhury, J.)