

11th December, 2025
(D/L No.34)
Ct. No.4
(SKB)

W.P.S.T. 247 of 2015

Suvendu Bera
Versus
The State of West Bengal and others

Mr. Samaresh Chandra Dhar
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Sangeeta Roy
... for the State.

1. Heard the learned counsel for the petitioner and the learned AGP.
2. The petitioner's engagement as a Computer Assistant cum Data Entry Operator was discontinued under an order dated 17.01.2013 issued by the Chief Conservator of Forests, Western Circle, West Bengal. The same was communicated to the petitioner by a communication dated 21.01.2013 issued by the Divisional Forest Officer, Purba Medinipur Forest Division, Tamluk, Purba Medinipur. Aggrieved by the order, the petitioner approached the West Bengal Administrative Tribunal (in short 'Tribunal') by filing an Original Application being O.A. No.284 of 2023.
3. The Tribunal in the said proceedings has recorded findings suggesting that the petitioner

gained the appointment letter apparently by practising some kind of fraud and, therefore, the Tribunal recorded a finding that the appointment letter dated 24.02.2010 seems to be a manufactured document.

4. The learned advocate for the petitioner submits that no proceeding was conducted against the petitioner. In absence of any proceeding being conducted, the authorities could not have terminated the petitioner's appointment. He further submits that the findings recorded by the Tribunal are founded on *non est* reasons as such findings are not preceded by any enquiry either in the department or otherwise.
5. In view of non-compliance of the principles of natural justice, the findings are unsustainable, inasmuch as it visits the petitioner with stigma.
6. The learned AGP, on the other hand, submits that there is no record in the department to sustain the petitioner's claim of having been appointed in the department. The recruitment notice dated 28.01.2010 read with appointment letter dated 24.02.2010, at best, without admitting to the same makes out a case of engagement of the petitioner to perform the data entry work in the office of the Medinipur Forest Division. The engagement as apparent

from the so-called appointment letter dated 24.02.2010 is on the following terms, which reads as follows:

“It is pleasure to us that you have been selected as Computer Assistant Data Entry Operator for concern official work after successfully completion of selection procedure.

It is more pleasure to us that you are being offered from our end to be engaged with as Computer Assistant, in this office of Purba Medinipur Forest Division from this day if the followings as per terms & conditions are maintained from your end.

You will be per month pay in sum of Rs.4500/- as your stipendiary salary with etc.”

7. There is no semblance of any permanency in the nature of appointment offered to the petitioner. when the higher authorities were informed about such engagement, they have directed the Divisional Forest Officer that since there was no rule permitting such engagement, the petitioner's engagement be discontinued forthwith.
8. We have considered the rival submissions and gone through the records of the case. We find that the appointment letter dated 24.02.2010 does not confer any semblance of permanency on the petitioner's existence in the Purba Medinipur Forest Division. A plain reading of the letter dated 24.02.2010 reveals that he was

engaged for discharging the work of data entry operator on a stipendary.

9. There is no rule brought to our notice by the learned counsel for the petitioner sustaining such engagement. The higher officials on discovering such engagement being not sustainable by force of any rule, have directed for his disengagement by the orders dated 17.01.2013 and 21.01.2013. The discontinuance was simplicitor without any allegation whatsoever. We, therefore, find no infirmity in the disengagement order issued by the authorities.

10. We, however, find no justification for the Tribunal to record such findings as has been recorded in the order dated 22.09.2015 passed in O.A. No.284 of 2013 that the petitioner gained the appointment/engagement on the basis of any manufactured document.

11. Such findings, being not preceded by any opportunity and in violation of principles of nature justice, are unsustainable. We do not approve such findings. We, therefore, interfere with the order of the Tribunal in so far as the stigma is cast upon the petitioner. We find no reason to interfere with the discontinuance of his engagement by the impugned order. The order

of the Tribunals, thus, stands modified accordingly.

12. The writ petition is disposed of, accordingly.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)