

25.02.2026  
Item No.5  
Court No.2  
chinmoy

**In The High Court at Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**WPA 1547 of 2026**

**Masum Maity (Dey)**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Prantik Garai, Advocate  
Ms. Sreejoyee Bose, Advocate  
Mr. Nishan Dey, Advocate  
Mr. Asad Ali, Advocate

...for the petitioner

Mr. Ashim Kumar Ganguly, Ld. A.G.P  
Ms. Jayeta Mitra, Advocate

....for the State

1. Matter is heard in presence of the learned advocates representing the petitioner and the State-respondents.
2. In the writ petition order dated 18<sup>th</sup> September, 2025 issued by Programme Officer-I, National Health Mission and Senior Deputy Secretary to the Government of West Bengal, Health and Family Welfare Department being respondent no.9 is questioned.
3. Learned advocate representing the petitioner submits that steps were taken by the respondent no.9 in terms of the order of the Hon'ble Division Bench dated 11<sup>th</sup> August, 2025 passed on a writ petition being W.P.S.T. 172 of 2025 which was preferred by the petitioner. As per liberty granted by the Hon'ble Division Bench in the order dated 11<sup>th</sup> August, 2025 petitioner raised grievance before the respondent no.9 against the letter

dated 29<sup>th</sup> April, 2025 and a hearing was conducted. Thereafter, the impugned order was passed on 18<sup>th</sup> September, 2025. By the impugned order, caution letter dated 29<sup>th</sup> April, 2025 was virtually affirmed.

4. It is contended on behalf of the petitioner that Chief Medical Officer of Health, South 24 Parganas forwarded necessary documents for adjudication as recorded in the order dated 18<sup>th</sup> September, 2025 and a mass petition of villagers were relied upon by the respondent no.9 but those documents were not supplied to the petitioner before hearing. It is submitted that issue of non-supply of aforesaid documents relied upon by the respondent no.9 while passing impugned order dated 18<sup>th</sup> September, 2025 prejudiced the petitioner.
5. State respondents are represented by learned advocate who has opposed the writ petition based on order dated 18<sup>th</sup> September, 2025 of the respondent no.9. It is submitted that since the petitioner is a contractual employee writ petition is not maintainable.
6. Point of maintainability of the writ petition at this stage need not be delved into as in terms of the order of the Hon'ble Division Bench dated 11<sup>th</sup> August, 2025 respondent no.9 initiated proceeding on receiving representation from the petitioner and passed an order on 18<sup>th</sup> September, 2025 which is under challenge. Relevant part of the order of the Hon'ble

Division Bench dated 11<sup>th</sup> August, 2025 is quoted below:-

*“3. Having regard to the stigma attached to a caution letter dated 29.04.2025 in respect of the petitioner, a contractual employee we call upon the learned State counsel as to who is the higher authority before whom the petitioner may vent his grievances. We are informed that Programme Officer, Senior Deputy Secretary, MD (NHM) is the higher authority.*

*4. We grant liberty to the petitioner to raise a grievance regarding the caution letter dated 29.04.2025 before the Programme Officer, Senior Deputy Secretary, MD (NHM).”*

7. In terms of the aforesaid order of the Hon'ble Division Bench dated 11<sup>th</sup> August, 2025 petitioner made a representation on 21<sup>st</sup> August, 2025. Petitioner was granted an opportunity of hearing by the respondent no.9 and order was passed on 18<sup>th</sup> September, 2025. On perusal of the aforesaid order dated 18<sup>th</sup> September, 2025 it appears that while affirming the previous caution letter dated 29<sup>th</sup> April, 2025 respondent no.9 relied upon documents which were forwarded by the Chief Medical Officer of Health, South 24 Parganas and a mass petition. However, these documents were not supplied to the petitioner before conducting hearing. It is trite that the authority

before passing an order which is adverse to the interest of the employee is required to supply documents which are relied upon in the proceeding initiated against the said employee.

8. Nothing is demonstrated on behalf of the State respondents that those documents were supplied to the petitioner before conducting hearing.

9. In view of aforesaid flaw, order dated 18<sup>th</sup> September, 2025 stands set aside.

10. W.P.A. 1547 of 2026 is disposed of.

11. Respondent no.9 is directed to supply all relevant documents to the petitioner by four (04) weeks from the date of communication of this order. Thereafter, concerned respondent authority shall be at liberty to initiate proceeding against the petitioner afresh in terms of the order dated 11<sup>th</sup> August, 2025 passed by the Hon'ble Division Bench.

12. Urgent photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

**(SAUGATA BHATTACHARYYA, J.)**