

30.03.2026
Court No. 12
Item No. 03
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 511 of 2026
IA No : CAN 1 of 2026
CAN 2 of 2026

Khokon Piyada
-Versus-

Syeda Ivana Parvin & Ors.

Mr. Debabrato Roy,
Mr. Rakib Hossain Khan
.....for the appellant
Mr. Duke Banerjee,
Mr. Ranjit Kumar Barman
....for the Respondent.
Mr. Ansar Mandal,
Ms. Kum Kum Das
....for the State.

Re : **CAN 1 of 2026**

- 1) CAN 1 of 2026, is an application for condonation of delay in filing MAT 511 of 2026.
- 2) We find there is a delay of 16 days in filing the appeal.
- 3) Upon considering the averments in Paragraphs 3, 4 and 5 of the said application, we are satisfied that the delay in filing the appeal has been explained.
- 4) Accordingly, CAN 1 of 2026 is allowed.
- 5) The delay is condoned.
- 6) The appeal is regularized.

Re : **MAT 511 of 2026**

- 7) The appeal arises out of an order dated January 30, 2026, passed by a learned single Judge in W.P.A. 16409 of 2025. The writ petition was filed by the respondent no. 1 with

a prayer for a writ of mandamus directing the Secretary Personnel and Administrative Reforms Department, Government of West Bengal to grant appointment to the petitioner in the post of Data Entry Operator (BSK) under Canning – II Block upon setting aside for the appellant.

8) Further prayer was to direct the authorities to cause enquiry with regard to the allegations against the appellant of having enjoyed two engagements on contractual basis, one as a Data Entry Operator BSK, under the BDO Canning – II and as a Civic Volunteer in the Jibantala Police Station under two different names.

9) Prayer was also made for a direction upon the respondent to collect money from the appellant, which had been drawn as salary from the Government exchequer by perpetuating fraud.

10) The writ petition has been kept pending for final hearing and the parties have been asked to file their affidavits. A direction was passed upon the Superintendent of Police Baruipur Police District to cause an enquiry as to whether the appellant, namely, Khokon Piyada was the same person as Usman Piyada and was working as Data Entry Operator in Canning – II B.D.O. Office as well as a Civic Volunteer in Jibantala Police Station.

11) His Lordship recorded that Usman Piyada had changed his name to Khokon Piyada. The appellant had two Epic numbers. The Epic Card with the name of Khokon was active and the Epic Card with the name Usman had been removed from the voter's list.

12) From the report it was revealed that Khokon and Usman were one and the same person, who was working as Data Entry Operator in Canning – II, BDO Office as well as a Civic Volunteer in the Jibantala Police Station.

13) Under such circumstances, His Lordship directed the Superintendent of Police, Baruiipur Police District to take appropriate action against the appellant and not to allow the appellant to perform his duties.

14) Mr. Roy, learned advocate for the appellant submits that both the Superintendent of Police, Baruiipur Police District and the BDO Canning –II were directed not to allow the appellant to perform his duty. Mr. Roy submits that the appellant was engaged as Civic Volunteer sometime in the year 2013 when his name was Usman Piyada. He changed his name in year 2020. He informed the Officer-in-Charge of Jibantala Police Station about the change in the name from Usman to Khokon. The fact that he had taken additional engagement of contractual basis as Data Entry Operator under the Canning – II in the BDO Office was also informed. Thus, it is submitted that when the appellant was engaged as a Civic Volunteer he was not known as Khokon but his name was Usman. After he changed his name to Khokon he informed his employer, in 2020 but no steps were taken by the employer thereafter. It is also submitted that the Aadhaar Card, Voter Card, PAN Card, Epic Card of Usman have been cancelled, and his name has been removed from the voter's list. It is further submitted that

the report of the superintendent of police, which was filed before His Lordship was not supplied to the appellant.

15) The writ petition was filed by a person who was unsuccessful in an alleged selection process for the post of Data Entry Operator under the BDO, Canning –II. He claimed to be a contender for the post of Data Entry Operator, which was a contractual post.

16) The allegation in the writ petition was that, by using two different names and by misleading the employers, the appellant enjoyed remuneration from two departments, thereby, causing loss to the public exchange. Admittedly, the writ petitioner did not have any claim over the appellant's engagement as a Civic Volunteer, which was continuing from 2013. Moreover, the report of the Superintendent of Police discloses that an affidavit was affirmed on September 18, 2020 before the learned Judicial Magistrate, First Class, Alipore declaring that Usman and Khokon are the same person and Khokon had also published an advertisement declaring the same.

17) The fact that Usman was working as Civic Volunteer at Jibantala Police Station from October 11, 2013 is admitted by the Superintendent of Police. He admits that Usman submitted a prayer for correction of his name to Khokan Piyada instead of Usman Piyada. It is submitted that in 2020 in all documents of identification the name was changed to Khokon Piyada. The fact which the report did not disclose is that in 2020 the Officer-in-Charge of Jibantala Police Station

under whom the appellant was serving as Civic Volunteer was informed about the change in the name. This aspect needs further probe on the basis of documents produced before us. The Officer-in-Charge of Jibantala Police Station had allegedly been informed by the appellant that he was known as Khokon on and from 2020.

18) Whether the appellant was responsible for inaction on the part of the Officer-in-Charge of Jibantala Police Station after having brought the change of name to the notice of the officer-in-charge Jibantala police station requires a deeper probe. Further consideration by the Superintendent of Police is required to arrive at a finding that the appellant had intentionally perpetuated fraud on the authorities, for unlawful gain and to cause loss to the public exchequer. That he had suppressed the fact of name change from the police authorities.

19) The reason why the Officer-in-Charge, Jibantala Police Station did not deem it necessary to take steps on the basis of a letter of the appellant which was received on November 6, 2020 along with all the necessary affidavits and documents must be probed into.

20) Under such circumstances, whether the appellant would be entitled to continue as Civic Volunteer is left open, to the decision of the Superintendent of Police, as per the guidelines applicable for engagement and continuation of service of the appellant. Moreover, the guidelines provide how a Civic Volunteer can be removed, and on what grounds. Such decision has to be taken by the Superintendent of Police upon hearing the appellant.

21) The order impugned is modified to the extent that the Superintendent of Police, Baruipur Police District will proceed against the appellant in accordance with the guidelines and decide the fate of the service of the appellant as a Civic Volunteer.

22) Unless the Superintendent of Police decides to suspend the appellant during the course of such proceeding, the appellant will be allowed to perform his duty as Civic Volunteer which will be subject to the final decision of the Superintendent of Police. With regard to the direction upon the Block Development Officer, Canning – II not to allow the appellant to perform his duty, we are in agreement with His Lordship and uphold that part of the ad-interim order.

23) The cause of action in the writ petition is with regard to engagement of the appellant as a Data Entry Operator under the BDO and not with regard to his engagement as a Civic Volunteer. The engagement as a civic volunteer was a prior engagement in 2013, when the appellant was called Usman. Thus, an enquiry is necessary as the service conditions are governed by some guidelines for civic volunteers.

24) It is also clarified that this order will not be construed as an opinion of the Bench on the innocence of the appellant with regard to any criminal proceeding that may have been initiated. Those proceedings will continue independently and will continue in accordance with law. The fate of the period during which the appellant was not allowed to perform his

duties as Civic Volunteer will abide by the final decision of the Superintendent of Police.

25) It is informed to us that, the salary for the month for March, 2026 was paid to the appellant by the BDO, Canning – II Block. We are of the view that a further enquiry in this regard shall be made by the State respondents, to ascertain why remuneration was paid to the appellant in spite of the order of the learned single Judge, restraining the BDO from allowing the appellant to perform his duty as a Data Entry Operator.

26) With the modification of the order impugned, the appeal and the application are disposed of.

27) We have been informed that the report of the Superintendent of Police was not supplied to the appellant and as such the appellant was not aware of the contents thereof. A copy of the said report be supplied to the learned advocate-on-record for the appellant in course of this day.

28) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)