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

WPA 30085 of 2024

**PARIJAT PATTANAYAK
Vs.
THE UNION OF INDIA & ORS.**

Mr. Ajay Debnath, Advocate

Mr. Tushar Sinha Mahapatra, Advocate

.....for the Petitioner

Mr. Sukumar Bhattacharya, Advocate

Ms. Debjani Ghosal, Advocate

.....for the Respondent Nos. 1 to 5

1. The petitioner was given a provisional appointment in the Department of Income Tax in April 2014 under compassionate ground, as his father had died-in-harness, in the post of Tax Assistant. The petitioner's appointment was regularized in February 2016. The petitioner has been discharging his duties since.
2. The petitioner's appointment was terminated sometime in December 2024, on the basis of a complaint lodged by the petitioner's elder brother of the petitioner alleging, inter alia, that the petitioner had obtained the appointment with fake and forged documents. The charge-sheet was framed and the petitioner was thereafter dismissed from service in December 2024.
3. The petitioner's grievance is that, even though he was charge-sheeted and a memorandum of charges was made against him and duly served on him, a document relied upon by the authorities was not given to him, on account whereof, he was unable to present his defence in a fair manner.
4. For such purpose, the petitioner made an application under Section 6 of the Right to Information Act, 2005, which was rejected. The petitioner carried the order of rejection in appeal and in second appeal, all of which had the same result of rejection.

5. It is from this order of the Information Commissioner, rejecting the plea of the petitioner on 30.10.2024 that the petitioner has come up by way of this writ petition. It appears that the only document that the petitioner sought was the copy of the police verification report as entailed in the letter 14.03.2023. According to the petitioner, this is the only document, which had not been given to him.
6. Mr. Bhattachary, learned Counsel appearing for the respondents, submits that respondent nos. 2 and 3 are not necessary parties and had discharged their duties as quasi-judicial authorities, should be expunged from the array of parties in this petition.
7. The second limb of his submission is that the order of dismissal/termination from service has not been challenged by the petitioner.
8. I have heard the learned Counsel for the parties and perused the record.
9. It appears from the records that the petitioner had indeed not been provided a copy of the Police Verification Report (PVR) on the grounds cited under Section 8(i)(j) of the Right to Information Act, 2005. However, as will appear from the affidavit-in-opposition filed by respondent nos. 1, 3, and 5, it has been squarely admitted that the PVR and the Minutes of the Departmental Promotion Committee are not confidential in nature. The answering respondents have merely stated that the process of such documents is confidential and cannot be disclosed.
10. It is trite that a person charged with a default or an infraction, has to be given an opportunity to deal with all documents on which the authority has relied upon to conclude that such a defaulting person ought to be dismissed from service.

11. I direct the respondent no. 5 to furnish a copy of the PVR to the petitioner by 15.03.2026.
12. I make it clear that this order does not deal with the correctness of the proceeding or the decision which the disciplinary authority has taken or the punishment meted out by the appropriate authority against the petitioner.
13. This order is restricted to the prayer made, which is merely seeking a copy of the PVR, which is allowed in the afore-stated facts and circumstances.
14. The order of the Information Commissioner dated 30.10.2024 is thus modified to the aforesaid extent.
15. Since respondents 2 and 3 are quasi-judicial authorities, there is absolutely no necessity of impleading them in this writ-petition. It is not expected that quasi-judicial authorities would appear in Court to defend their orders. Let the names of respondent nos. 2 and 3, be expunged from the array of parties.
16. With these observations, the **WPA 30085 of 2024** is **disposed of**. There shall be no order as to costs.

(Reetobroto Kumar Mitra, J.)

