IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

WPA 30649 of 2016
Baishakhi Bhattacharyya (Chatterjee) & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 2613 of 2018
Basanta Das
Vs.
State of West Bengal & Ors.

With

WPA 22522 of 2018
Saddam Hossain Biswas & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 22523 of 2018
Purbita Ray & others.
Vs.
State of West Bengal & Ors.

With

WPA 22550 of 2018
Prasanta Mandal & Ors.
Vs.
State of West Bengal & others.

With

WPA 22773 of 2018
Jearul Islam & Ors.
Vs.

State of West Bengal & Ors.

With

WPA 22780 of 2018
Kapil Kumar Mistry & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 22782 of 2018
Sk. Insan Ali & others.
Vs.
State of West Bengal & Ors.

With

WPA 22785 of 2018
Rupali Nath & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 22973 of 2018
Senarul Islam & Ors.
Vs.
State of West Bengal & others.

With

WPA 16844 of 2019
Swagata Biswas
Vs.
State of West Bengal & Ors.

With

WPA 18355 of 2019
IA NO: CAN/1/2020
Mousumi Mondal
Vs.
W.B. Central School Service Commission & Anr.

With

WPA 19273 of 2019
Mamoni Basak
Vs.
State of West Bengal & Ors.

With

WPA 19278 of 2019
Masuma Parveen
Vs.
State of West Bengal & Ors.

With

WPA 19749 of 2019
Chandra Rani Paul
Vs.
State of West Bengal & Ors.

With

WPA 20404 of 2019
Julekha Mandal
Vs.
State of West Bengal & Ors.

With

WPA 20776 of 2019
Phalguni Rakshit
Vs
State of West Bengal & Ors.

With

WPA 20778 of 2019
Soma Biswas
Vs.
State of West Bengal & Ors.

With

WPA 21665 of 2019
Biswajit Debnath & others.
With
State of West Bengal & Ors.

With

WPA 18100 of 2019
Pradyut Dutta
Vs.
State of West Bengal & Ors.

With

WPA 18627 of 2019
Haimanti Kundu & others.
Vs.
West Bengal Central School Service Commission & Ors.

With

WPA 20045 of 2019
Debashree Patra
Vs.
West Bengal Central School Service Commission & anr.

With

WPA 21923 of 2019
Kartick Sau & others.
Vs.
State of West Bengal & Ors.

With

WPA 22119 of 2019
IA NO:CAN/1/2020
Shampa Sarkar
Vs.
The WB Central School Service Commission & anr.

With

WPA 23259 of 2019
Satadal Mondal
Vs.
State of West Bengal & Ors.

With

WPA 23454 of 2019
Mohasin Kamal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 23946 of 2019
Moumita Samanta & Ors.
Vs.
W.B. Central School Service Commission & Ors.

With

WPA 4835 of 2020
Md. Jinnat Sk
Vs.
State of West Bengal & Ors.

With

WPA 8078 of 2020
Nadia Parvin Mou
Vs.
The West Bengal Central School Service Commission & Ors.

With

WPA 8555 of 2020
Ajoy Mondal
Vs.
West Bengal Central School Service Commission & anr.

With

WPA 11455 of 2020
Mallika Thander
Vs.
The West Bengal Central School Service Commission & anr.

With

WPA 7592 of 2021
Rina Karmakar
Vs.
State of West Bengal & Ors.

With

WPA 8003 of 2021
Amarjeet Kumar
Vs.
State of West Bengal & Ors.

With

WPA 8264 of 2021
Hafizur Rahaman & anr.
Vs.
State of West Bengal & Ors.

With

WPA 10938 of 2021
IA NO:CAN/1/2021

Tridib Sundar Bahadur
Vs.
State of West Bengal & Ors.

With

WPA 10947 of 2021
IA NO:CAN/1/2024
Gobinda Mandal
Vs.
State of West Bengal & Ors.

With

WPA 10949 of 2021
Prasanta Das
Vs.
State of West Bengal & Ors.

With

WPA 10960 of 2021
Sudip Bala
Vs.
State of West Bengal & Ors.

With

WPA 13700 of 2021
IA NO: CAN/3/2023
CAN/4/2023
CAN/5/2023
CAN/6/2023
CAN/8/2023
CAN/13/2023
CAN/16/2023
CAN/17/2023
CAN/18/2023
CAN/20/2023
CAN/21/2023
CAN/22/2023
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CAN/26/2024
CAN/27/2024
CAN/28/2024
CAN/29/2024
CAN/30/2024
CAN/31/2024
CAN/32/2024

Setab Uddin & Ors.
Vs.
The State of West Bengal & Ors.

With

WPA 13701 of 2021
IA NO: CAN/1/2022
Md Abdul Gani Ansari
Vs.
State of West Bengal & Ors.

With

WPA 13721 of 2021
Sovan Kundu
Vs.
State of West Bengal & Ors.

With

WPA 13727 of 2021
Suvankar Mondal
Vs.
State of West Bengal & Ors.

With

WPA 13863 of 2021
Shireen Mustafi
Vs.
State of West Bengal & Ors.

With

WPA 13885 of 2021
Kanai Haldar
Vs.
State of West Bengal & Ors.

With

WPA 15137 of 2021
Md Ismail Hossain & anr.
Vs.
State of West Bengal & Ors.

With

WPA 15154 of 2021
Ainal Hoque

Vs.
State of West Bengal & Ors.

With

WPA 16443 of 2021
Ruksana Khatun
Vs.
State of West Bengal & Ors.

With

WPA 16444 of 2021
Samsuzzaman Mondal
Vs.
State of West Bengal & Ors.

With

WPA 16448 of 2021
Runa Khatun
Vs.
State of West Bengal & Ors.

With

WPA 16450 of 2021
Nasrin Khatun
Vs.
State of West Bengal & Ors.

With

WPA 16476 of 2021
Md Masikul Anam
Vs.
State of West Bengal & Ors.

With

WPA 16481 of 2021
Mostafizur Rahaman & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16484 of 2021
Ashoke Biswas
Vs.
State of West Bengal & Ors.

With

WPA 16487 of 2021
Sukanta Malik
Vs.
State of West Bengal & Ors.

With

WPA 16489 of 2021
Pallabbi Naskar
Vs.
State of West Bengal & Ors.

With

WPA 16505 of 2021
Rekha Roy
Vs.
State of West Bengal & Ors.

With

WPA 16519 of 2021
Prasanta Barui
Vs.
State of West Bengal & Ors.

With

WPA 16858 of 2021
Bilkis Khatun & anr.
Vs.
State of West Bengal & Ors.

With

WPA 16859 of 2021
Ishita Debsarma & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16860 of 2021
Raghabendra Garai & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16879 of 2021
Tama Hossain & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16880 of 2021
Rubia Khatun & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16889 of 2021
Rakibur Sk & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16896 of 2021
Shrabani Saha & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16902 of 2021
Soma Biswas & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16930 of 2021
Anima Ghosh & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16948 of 2021
Poli Das& Ors.
Vs.
State of West Bengal & Ors.

With

WPA 16960 of 2021

Md. Tasiul Haque
Vs.
State of West Bengal & Ors.

With

WPA 16968 of 2021
Mithun Sarkar & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 17273 of 2021
IA NO: CAN/1/2022
Nasrin Khatun
Vs.
State of West Bengal & Ors.

With

WPA 18379 of 2021
Kalyan Mandal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18381 of 2021
IA NO: CAN/1/2023
Sarmin Nahar Khatun & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18383 of 2021
Barnali Saha & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18385 of 2021
IA NO:CAN/1/2023
Haimanti Bitter & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18387 of 2021
Baki Balla & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18388 of 2021
Mogibar Rahaman & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18460 of 2021
Saranjit Roy
Vs.
State of West Bengal & Ors.

With

WPA 18470 of 2021
Hara Sankar Roy
Vs.
State of West Bengal & Ors.

With

WPA 18487 of 2021
Prokash Ghosh & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18491 of 2021
Amit Let
Vs.
State of West Bengal & Ors.

With

WPA 18496 of 2021
Atikuzzaman
Vs.
State of West Bengal & Ors.

With

WPA 18499 of 2021
Rijia Begum

Vs.
State of West Bengal & Ors.

With

WPA 18801 of 2021
Sangita Banerjee
Vs.
State of West Bengal & Ors.

With

WPA 18994 of 2021
Lipi Khatun
Vs.
State of West Bengal & Ors.

With

WPA 18995 of 2021
Samim Islam
Vs.
State of West Bengal & Ors.

With

WPA 19475 of 2021
Dilruba Khatun
Vs.
State of West Bengal & Ors.

With

WPA 19477 of 2021
Shilpa Patra
Vs.
State of West Bengal & Ors.

With

WPA 19478 of 2021
Monoj Ghosh
Vs.
State of West Bengal & Ors.

With

WPA 19580 of 2021
Sewly Khatun
Vs.
State of West Bengal & Ors.

With

WPA 20906 of 2021
Prosanta Ruidas & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21258 of 2021
Barnali Bhar & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21261 of 2021
Sk.Toyab Rahaman
Vs.
State of West Bengal & Ors.

With

WPA 21263 of 2021
Samim Seikh & anr.
Vs.
State of West Bengal & Ors.

With

WPA 21266 of 2021
Sumaitri Biswas & anr.
Vs.
State of West Bengal & Ors.

With

WPA 21267 of 2021
Md Jasimuddin & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21268 of 2021
Anup Gupta
Vs.
State of West Bengal & Ors.

With

WPA 21317 of 2021
Rathin Roy & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21430 of 2021
Priyanka Dutta Samaddar @ Priyanka Samaddar
Vs.
State of West Bengal & Ors.

With

WPA 781 of 2022
Sudip Saha
Vs.
State of West Bengal & Ors.

With

WPA 1618 of 2022
Dipti Saha & anr.
Vs.
State of West Bengal & Ors.

With

WPA 5538 of 2022
IA NO:CAN/2/2022
CAN/3/2022
CAN/4/2024
CAN/5/2024
CAN/6/2024
Anindita Bera
Vs.
State of West Bengal & Ors.

With

WPA 5786 of 2022
Rajkumar Middya
Vs.
State of West Bengal & Ors.

With

WPA 5788 of 2022
Papia Tahmin
Vs.

State of West Bengal & Ors.

With

WPA 6550 of 2022
Pamela Das & Ors.
vs.
State of West Bengal & Ors.

With

WPA 7346 of 2022
Salauddin Hossain & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 7347 of 2022
Meherunnessa Khatun & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 8059 of 2022
IA NO: CAN/1/2024
Soma Sinha
Vs.
State of West Bengal & Ors.

With

WPA 16935 of 2022
Amit Karmakar
Vs.
State of West Bengal & Ors.

With

WPA 20389 of 2022
IA NO: CAN/1/2022
Md Rukumuddin Sk
Vs.
State of West Bengal & Ors.

With

WPA 21332 of 2022
Suman Chakraborty & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21334 of 2022
Srikanta Chatterjee & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21340 of 2022
Debasmita Pradhan & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21344 of 2022
Madhusudan Pal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21346 of 2022
Moumita Ghosh & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21349 of 2022
Sk Hasib Imam & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21350 of 2022
Swarup Sarkar & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 25380 of 2022
IA NO: CAN/1/2023

CAN/3/2023
CAN/4/2023
CAN/5/2023
CAN/6/2024
CAN 7/2024
Subhamay Bhunia & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 26770 of 2022
Prabir Chatterjee
Vs.
State of West Bengal & Ors.

With

WPA 27886 of 2022
Sk Mustafa Ali & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 28197 of 2022
Riya Pal
Vs.
State of West Bengal & Ors.

With

MAT 85 of 2023
CAN 3 of 2024

Gopinath Bhanja & Ors.
Vs.
Setab Uddin & Ors

With
.
MAT 124 of 2023

Hafizur Rahaman & Ors.
Vs.
Setab Uddin

With

MAT 244 of 2023
IA No.: CAN/1/2023

Soumen Kumar Das & Ors.
Vs.
State of West Bengal & Ors.

With

MAT 245 of 2023

Arup Sarkar & Ors.
Vs.
Subhamay Bhunia & Ors.

With

MAT 290 of 2023
Pritisha Das & Ors.
Vs.
Subhamoy Bhunia & Ors.

With

MAT 304 of 2023
Nirupam Das & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 362 of 2023
CAN 1 of 2023
Shyamal Dutta & Ors.
Vs.
State of West Bengal & Ors.

With

MAT 557 of 2023
IA NO: CAN/1/2023
Brajadulal Giri & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 1062 of 2023
Kushik Ghosh & anr.
Vs.
State of West Bengal & Ors.

With

WPA 1066 of 2023
Rima Dutta
Vs.
State of West Bengal & Ors.

With

WPA 1070 of 2023
Rumpa Mondal
Vs.
State of West Bengal & Ors.

With

WPA 1072 of 2023
Laltu Mistry
Vs.
State of West Bengal & Ors.

With

WPA 1075 of 2023
Soumen Biswas
Vs.
State of West Bengal & Ors.

With

WPA 1369 of 2023
Gopal Manna & Others.
Vs.
State of West Bengal & Others.

With

WPA 1466 of 2023
Taimur Rahaman & anr.
Vs.
State of West Bengal & Others.

With

WPA 3771 of 2023
Sultana Khatun & anr.
Vs.
State of West Bengal & Ors.

With

WPA 4206 of 2023

Mousumi Khatun
Vs.
State of West Bengal & Ors.

With

WPA 4841 of 2023
Biman Mondal
Vs.
State of West Bengal & Ors.

With

WPA 4989 of 2023
Sanchita Das & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 5087 of 2023
Lopa Mudra Naskar
Vs.
State of West Bengal & Ors.

With

WPA 5379 of 2023
Sewli Ghosh & anr.
Vs.
State of West Bengal & Ors.

With

WPA 5604 of 2023
Ratan Bauldas & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 5609 of 2023
Samima Yasmin & anr.
Vs.
State of West Bengal & Ors.

With

WPA 2081 of 2023
Ali Zinna & Ors.
Vs.

State of West Bengal & Ors.

With

WPA 2149 of 2023
Sukanta Malik
Vs.
State of West Bengal & Ors.

With

WPA 2151 of 2023
Subir Naskar
Vs.
State of West Bengal & Ors.

With

WPA 2154 of 2023
Ataul Ali Mallick
Vs.
State of West Bengal & Ors.

With

WPA 2172 of 2023
Monia Khatun
Vs.
State of West Bengal & Ors.

With

WPA 2175 of 2023

Asanur Ali Mallick
Vs.
State of West Bengal & Ors.

With

WPA 2179 of 2023
Sampa Debnath
Vs.
State of West Bengal & Ors.

With

WPA 2182 of 2023
Sk Ekramul Ali
Vs.
State of West Bengal & Ors.

With

WPA 2215 of 2023
Hirak Sinha Roy & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 2496 of 2023
Riya Roy Khanra
Vs.
State of West Bengal & Ors.

With

WPA 2760 of 2023
Barnali Saha
Vs.
State of West Bengal & Ors.

With

WPA 2967 of 2023
Gopinath Bhanja & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 2984 of 2023
Shrabanti Halder
Vs.
State of West Bengal & Ors.

With

WPA 3126 of 2023
Subrata Ghosh & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 3399 of 2023
Shraboni Dutta & Anr.
Vs.
State of West Bengal & Ors.

With

WPA 3652 of 2023
Abbus Sk.
Vs.
State of West Bengal & Ors.

With

WPA 3658 of 2023
Rumpa Kar
Vs.
State of West Bengal & Ors.

With

WPA 3661 of 2023
Paramita Rit
Vs.
State of West Bengal & Ors.

With

WPA 3664 of 2023
Ratan Let
Vs.
State of West Bengal & Ors.

With

WPA 3666 of 2023
Sumaitri Biswas & anr.
Vs.
State of West Bengal & Ors.

With

WPA 3846 of 2023
CAN/1/2024
Baby Biswas & Anr.
Vs.
State of West Bengal & Ors.

With

WPA 3859 of 2023
Asima Nayak.
Vs.
State of West Bengal & Ors.

With

WPA 3926 of 2023
Lubana Parvin
Vs.
State of West Bengal & Ors.

With

WPA 3931 of 2023
Pallabi Naskar
Vs.
State of West Bengal & Ors.

With

WPA 3935 of 2023
Ganesh Mahata.
Vs.
State of West Bengal & Ors.

With

WPA 3990 of 2023
Suvadip Manna
Vs.
State of West Bengal & Ors.

With

WPA 4117 of 2023
Kalyan Kumar Giri
Vs.
State of West Bengal & others.

With

WPA 4213 of 2023
Pragati Saha
Vs.
State of West Bengal & others.

With

WPA 4313 of 2023
Sarama Ghosh
Vs.
State of West Bengal & Ors.

With

WPA 4522 of 2023
Sreenandaa Bhattacharyya & Ors.

Vs.
State of West Bengal & Ors.

With

WPA 4556 of 2023
Susmita Pal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 5134 of 2023
Ananya Mahapatra
Vs.
The State of West Bengal & Ors.

With

WPA 5464 of 2023
Sima Ghosh
Vs.
State of West Bengal & Ors.

With

WPA 5526 of 2023
Namita Adak & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 5531 of 2023
Hasanur Jaman and Ors.
Vs.
State of West Bengal & Ors.

With

WPA 5797 of 2023
Prasanjit Paul & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 5799 of 2023
Md Mamun Rasid & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 5953 of 2023
Brajadulal Giri & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 6164 of 2023
Sanatan Mondal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 6210 of 2023
Jhuma Malakar
Vs.
State of West Bengal & Ors.

With

WPA 6213 of 2023
Jui Barman
Vs.
State of West Bengal & Ors.

With

WPA 6282 of 2023
Pratima Maiti,
Vs.
State of West Bengal & Ors.

With

WPA 6577 of 2023
Kuheli Ghosh and Ors.
Vs.
State of West Bengal & others.

With

WPA 6854 of 2023
Nafisa Khatun
Vs.
State of West Bengal & Ors.

With

WPA 6859 of 2023
Shaoli Mukherjee
Vs.
State of West Bengal & Ors.

With

WPA 6915 of 2023
Arpita Hazra
Vs.
State of West Bengal & Ors.

With

WPA 7370 of 2023
Palash Mondal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 7528 of 2023
Setab Uddin & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 7831 of 2023
Jayati Pal
Vs.
State of West Bengal & Ors.

With

WPA 7952 of 2023
Supriti Paria
Vs.
State of West Bengal & Ors.

With

WPA 9105 of 2023
Pravati Das
Vs.
State of West Bengal & Ors.

With

WPA 9327 of 2023

Krishnendu Dutta & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 10387 of 2023
Rita Gayen
Vs.
State of West Bengal & Ors.

With

WPA 10614 of 2023
IA NO: CAN/1/2023
Khayrul Anam Mondal & anr.
Vs.
State of West Bengal & Ors.

With

WPA 12557 of 2023
Md. Golam Yeasdani & others.
Vs.
State of West Bengal & others.

With

WPA 13588 of 2023
Mithun Sarkar & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 14824 of 2023
Prabir Chatterjee
Vs.
State of West Bengal & Ors.

With

WPA 17679 of 2023
Aribillah Gazi
Vs.
State of West Bengal & Ors.

With

WPA 18401 of 2023
Jagannath Sadhukhan & Ors.

Vs.
State of West Bengal & Ors.

With

WPA 19126 of 2023
Nazima Begum
Vs.
State of West Bengal & Ors.

With

WPA 19604 of 2023
Arpita Seth
Vs.
State of West Bengal & Ors.

With

WPA 19605 of 2023
Arnab Datta
Vs.
State of West Bengal & Ors.

With

WPA 19869 of 2023
Bibhas Biswas
Vs.
State of West Bengal & Ors.

With

WPA 21000 of 2023
Pradyut Ghosh.
Vs.
State of West Bengal & Ors.

With

WPA 21211 of 2023
Priyanka Mukhopadhyay.
Vs.
State of West Bengal & Ors.

With

WPA 22796 of 2023
Taslim Arif
Vs.
State of West Bengal & Ors.

With

WPA 23761 of 2023
Barnali Saha
Vs.
State of West Bengal & Ors.

With

WPA 24247 of 2023
Aditi Jana
Vs.
State of West Bengal & Ors.

With

WPA 26848 of 2023
Yakub Alam
Vs.
State of West Bengal & Ors.

With

WPA 366 of 2024
Suman Kumar Dey
Vs.
State of West Bengal & Ors.

With

WPA 13113 of 2018
Tulasi Santra
Vs.
State of West Bengal & Ors.

With

WPA 18034 of 2018
Krishnapada Mondal
Vs.
State of West Bengal & Ors.

With

WPA 20034 of 2019
Mahadeb Duley & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 3665 of 2021
Srikanta Mandal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 10772 of 2021
Tathagata Nandy & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 12266 of 2021
IA NO: CAN/1/2021
CAN/2/2021
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CAN/5/2021
CAN/6/2022
CAN/8/2024
CAN/9/2024
Sandeep Prasad & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 17068 of 2021
Jhantu Das & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18585 of 2021
IA NO: CAN/5/2023
CAN/6/2024
CAN/7/2024
CAN/8/2024
CAN 9/2024
CAN/10/2024
Laxmi Tunga & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 19977 of 2021

Milan Roy & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 20070 of 2021
Rishav Sarkar.
Vs.
State of West Bengal & Ors.

With

WPA 6754 of 2022
Sanchita Payra Chanda & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 8598 of 2022
Anirban Bhattacharya
Vs.
State of West Bengal & Ors.

With

WPA 10211 of 2022
Most Nur Momtaj & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 14630 of 2022
Soumen Bhattacharya & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 14670 of 2022
Delip Ruidas
Vs.
State of West Bengal & Ors.

With

WPA 15359 of 2022
Sovan Sahoo & Ors.
Vs.

State of West Bengal & Ors.

With

WPA 19053 of 2022
Tonmay Bera & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 19916 of 2022
Joyanta Das & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 20028 of 2022
Sanjib Maity & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 27164 of 2022
Sarbani Mondal
Vs.
State of West Bengal & Ors.

With

WPA 27166 of 2022
Asha Singha
Vs.
State of West Bengal & Ors.

With

WPA 27168 of 2022
Arjun Barui & Ors.
Vs.
State of West Bengal & Ors.

With

MAT 250 of 2023
IA NO:CAN/1/2023
CAN/2/2023
CAN/3/2023
Achinta Kr. Mondal

Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 259 of 2023
IA No.: CAN 1 of 2023
CAN 2 of 2023
CAN 3 of 2023
CAN 4 of 2024
Samiran Maity & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 274 of 2023
IA No.: CAN 1 of 2023

Achinta Kr Mondal & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 275 of 2023
Aritra Saha
Vs.
Laxmi Tunga & Ors.

With

MAT 276 of 2023
IA No.: CAN/ 1/ 2023
CAN/ 2/2023
Susovan Satpathi & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 284 of 2023
IA No.: CAN 1 of 2023

CAN 2 of 2023

Arnab Paul Chowdhury & Ors.
Vs.
Laxmi Tunga & Ors.

With

MAT 318 of 2023
IA NO:CAN/1/2023
Rakhi Das Maity & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 334 of 2023
IA NO:CAN/1/2023
Prodip Kumar Roy & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 336 of 2023
IA NO:CAN/1/2023
Bablu Sardar & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 338 of 2023
IA NO:CAN/1/2023
Pandab Gorai & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 342 of 2023
IA NO:CAN/1/2023
Tanmoy Dey and Ors.

Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 343 of 2023
IA NO:CAN/1/2023
Gobinda Biswas & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 344 of 2023
IA NO:CAN/1/2023
Juel Sarkar & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 345 of 2023
IA NO:CAN/1/2023
Nuralam Sk. & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 346 of 2023
IA NO:CAN/1/2023
Papiya Dutta & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 358 of 2023
IA NO:CAN/1/2023
Biplab Sarkar & Ors.
Vs.

Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 359 of 2023
IA NO:CAN/1/2023
Nimai Barman & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 361 of 2023
IA NO:CAN/1/2023
Anup Dutta & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

MAT 382 of 2023
IA NO:CAN/1/2023
Bishnupriya Mondal & Ors.
Vs.
Laxmi Tunga & Ors.
&
State of West Bengal & Ors.

With

WPA 20022 of 2019
Pampa Biswas
Vs.
State of West Bengal & Ors.

With

WPA 20029 of 2019
Mallika Mandal & anr.
Vs.
State of West Bengal & Ors.

With

WPA 20039 of 2019

Javed Hyder & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 3654 of 2021
Saikat Adhikari & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 10764 of 2021
Prasenjit Mandal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 12270 of 2021
IA NO:CAN/1/2022
CAN/2/2022
CAN/3/2022
CAN/7/2023
CAN/8/2024
CAN/9/2024
CAN/10/2024
Sabina Yeasmin & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 17048 of 2021
Sampa Roy & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18589 of 2021
Saikh Dil Mahammad & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18590 of 2021
Amit Ghosh
Vs.

State of West Bengal & Ors.

With

WPA 18593 of 2021
Biswajit Roy
Vs.
State of West Bengal & Ors.

With

WPA 19975 of 2021
Prodip Dey & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 8614 of 2022
Sanju Panda & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 10213 of 2022
Sayani Deb & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 14525 of 2022
Abhranil Das
Vs.
State of West Bengal & Ors.

With

WPA 14634 of 2022
Joydeb Mondal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 15360 of 2022
Uttam Das & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 17340 of 2022
Sk Nagimul Haque
Vs.
State of West Bengal & Ors.

With

WPA 19060 of 2022
Kanchan Rani Maicap & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 20030 of 2022
Titab Roy & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 27161 of 2022
Krishna Nandi & Ors.
Vs.
State of West Bengal & Ors.

With
MAT 443 of 2023
IA NO:CAN/1/2023
Arup Ratan Show & Ors.
Vs.
Sabina Yeasmin & Ors.
&
State of West Bengal & Ors.

With

MAT 457 of 2023
IA NO:CAN/1/2023
Subhadip Saha & Ors.
Vs.
Sabina Yeasmin & Ors.

With

MAT 458 of 2023
IA NO: CAN/2/2023
CAN/3/2024
CAN/4/2024

Subhadip Paik & Ors.
Vs.
Sabina Yeasmin & Ors.

With

MAT 476 of 2023
Kousik Mukherjee.
Vs.
Sabina Yeasmin & Ors.
&
State of West Bengal & Ors.

With

MAT 502 of 2023
IA NO:CAN/1/2023
Goutam Patra & Ors.
Vs.
Sabina Yeasmin & Ors.
&
State of West Bengal & Ors.

With

MAT 470 of 2023
IA NO:CAN/1/2023
Debasis Roy & Ors.
Vs.
Sabina Yeasmin & Ors.
&
State of West Bengal & Ors.

With

MAT 480 of 2023
Arpita Maiti
Vs.
Sabina Yeasmin & Ors.
&
State of West Bengal & Ors.

With

MAT 521 of 2023
IA NO:CAN/1/2023
Kaji Enamul Hoque & Ors.
Vs.
Sabina Yeasmin & Ors.
&
State of West Bengal & Ors.

With

WPA 30653 of 2016
Baishakhi Bhattacharyya (Chatterjee) & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 30065 of 2017
Prasanta Kumar Dey
Vs.
State of West Bengal & Ors.

With

WPA 12662 of 2018
Biswajit Biswas & others.
Vs.
State of West Bengal & Ors.

With

WPA 13105 of 2018
IA NO: CAN/1/2018(Old No:CAN/8494/2018)
Munshi Wasim Asgar
Vs.
State of West Bengal & Ors.

With

WPA 22777 of 2018
Abu Torap Molla & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 22971 of 2018
IA NO:CAN/1/2020(Old No:CAN/2737/2020)
Ashrafun Nessa & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18352 of 2019
IA NO:CAN/1/2020
Madhumita Mondal
Vs.

W.B. Central School Service Commission & anr.

With

WPA 21154 of 2019
Swastika Jana
Vs.
State of West Bengal & Ors.

With

WPA 22076 of 2019
Madhumita Pan & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 23064 of 2019
Sabari Adak @ Sabari Adak Modak
Vs.
State of West Bengal & Ors.

With

WPA 23480 of 2019
Tumpa Pal
Vs.
State of West Bengal & Ors.

With

WPA 23481 of 2019
Mahamud Hasan Gazi
Vs.
State of West Bengal & Ors.

With

WPA 3476 of 2020
Snehangshu Rout
Vs.
State of West Bengal & Ors.

With

WPA 6887 of 2020
Apu Bej
Vs.
State of West Bengal & Ors.

With

WPA 7425 of 2020
IA NO:CAN/1/2020
Kakali (Ranjit) Mondal
Vs.
State of West Bengal & Ors.

With

WPA 7616 of 2020
IA NO:CAN/1/2020
Sathi Mondal Das
Vs.
State of West Bengal & Ors.

With

WPA 7630 of 2020
IA NO:CAN/1/2020
Sarmistha Pandit
Vs.
State of West Bengal & Ors.

With

WPA 8536 of 2020
Latarani As.
Vs.
State of West Bengal & Ors.

With

WPA 2898 of 2021
Moumita Paul
Vs.
State of West Bengal & Ors.

With

WPA 2903 of 2021
Mousumi Ghosh Das
Vs.
State of West Bengal & Ors.

With

WPA 7982 of 2021
Bapi Das
Vs.
State of West Bengal & Ors.

With

WPA 8266 of 2021
Monika Sarkar.
Vs.
State of West Bengal & Ors.

With

WPA 10316 of 2021
Sabita Biswas
Vs.
State of West Bengal & Ors.

With

WPA 10929 of 2021
Laxmi Paul.
Vs.
State of West Bengal & Ors.

With

WPA 16936 of 2021
Sk. Najirul Hoque & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 18475 of 2021
Ilias Sk
Vs.
State of West Bengal & Ors.

With

WPA 19000 of 2021
Arpita Karmakar
Vs.
State of West Bengal & Ors.

With

WPA 21312 of 2021
Srimanta Maity & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21386 of 2021
Arif Sarkar
Vs.
State of West Bengal & Ors.

With

WPA 1637 of 2022
Debasish Chaudhury
Vs.
State of West Bengal & Ors.

With

WPA 5405 of 2022
Priti Mukherjee
Vs.
State of West Bengal & Ors.

With

WPA 5406 of 2022
IA NO:CAN/1/2022
CAN/3/2022
CAN/4/2022
CAN/5/2022
CAN/6/2022
CAN/7/2022
CAN/11/2023
CAN/12/2023
CAN/21/2023
CAN/22/2023
CAN/23/2023
CAN/24/2023
CAN/25/2023
CAN/26/2023
CAN/27/2024
CAN/28/2024
CAN/29/2024
CAN 30/2024
CAN 31/2024
CAN/32/2024
CAN/33/2024
CAN/34/2024
CAN/35/2024
CAN/36/2024
CAN/37/2024
CAN/38/2024
Babita Sarkar.
Vs.

State of West Bengal & Ors.

With

WPA 13431 of 2022
Sreejeeta Dey
Vs.
State of West Bengal & Ors.

With

WPA 22845 of 2022
Abbasuddin Mollah
Vs.
State of West Bengal & Ors.

With

WPA 25379 of 2022
Paly Debnath & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 26756 of 2022
Baneshwar Bera & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 27457 of 2022
Pradip Hait & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 160 of 2023
Kuheli Ghosh
Vs.
State of West Bengal & Ors.

With

MAT 199 of 2023
IA NO:CAN/1/2023
The West Bengal Central School Service Commission & Ors.
Vs.
Priyanka Shaw & Ors.

With

MAT 950 of 2023
IA NO:CAN/1/2023
Babita Sarkar.
Vs.
State of West Bengal & Ors.

With

WPA 1079 of 2023
Julekha Mandal
Vs.
State of West Bengal & Ors.

With

WPA 1080 of 2023
Dipanwita Das
Vs.
State of West Bengal & Ors.

With

WPA 1083 of 2023
Isha Sk. & Anr.
Vs.
State of West Bengal & Ors.

With

WPA 1086 of 2023
Rumki Sutradhar
Vs.
State of West Bengal & Ors.

With

MAT 1302 of 2023
Tanmoy Sinha & Ors.
Vs.
Babita Sarkar & Ors.

With

MAT 1304 of 2023
Supratim Manna & Ors.
Vs.
Babita Sarkar & Ors.

With

WPA 2077 of 2023
IA NO:CAN/1/2023
Moumita Mondal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 2511 of 2023
Bulti Manna
Vs.
State of West Bengal & Ors.

With

WPA 2982 of 2023
Dilip Kumar Mondal & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 3463 of 2023
Monsur Rahaman.
Vs.
State of West Bengal & Ors.

With

WPA 4519 of 2023
Sumanta Suin & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 4715 of 2023
Shilpi Saha
Vs.
State of West Bengal & Ors.

With

WPA 7031 of 2023
Srimanta Ghorai
Vs.
State of West Bengal & Ors.

With

WPA 9315 of 2023
Biswajit Biswas & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 10617 of 2023
Nandita Sarkar
Vs.
State of West Bengal & Ors.

With

WPA 10724 of 2023
Ramjan Khan & anr.
Vs.
State of West Bengal & Ors.

With

WPA 14104 of 2023
Rita Sarkar (Das)
Vs.
State of West Bengal & Ors.

With

WPA 18400 of 2023
Mihir Baral & Ors.
Vs.
State of West Bengal & Ors.

With

WPA 21210 of 2023
Falguni Dutta
Vs.
State of West Bengal & Ors.

With

WPA 21999 of 2023
Bangiya Nyajya Adhikar Pratistha Mancha & anr.
Vs.
State of West Bengal & Ors.

With

WPA 22860 of 2023

Lipika Pal
Vs.
State of West Bengal & Ors.

With

WPA 23204 of 2023
Apu Bej
Vs.
State of West Bengal & Ors.

With

WPA 23652 of 2023
Mira Roy
Vs.
State of West Bengal & Ors.

With

WPA 24930 of 2023
Arindam Sarkar & anr.
Vs.
State of West Bengal & Ors.

With

WPA 25669 of 2023
Shah Alamgir
Vs.
State of West Bengal & Ors.

For the petitioner in WPA 7592 of 2021 to WPA 13701/2021,WPA 13727/2021 to WPA 21268/ 2021, WPA 781/2022, WPA 1618/2022, WPA 5786 of 2022 to WPA 7347 of 2022,WPA 28197 of 2022, WPA 18401 of 2023, WPA 21211 of 2023, WPA 18585 of 2021, WPA 20070/2021, WPA 8598 of 2022, WPA 14630/2022, WPA 27164 of 2022, WPA 27166 of 2022, WPA 27168/2022, WPA 18589/2021 to WPA 18593/2021, WPA 8614/2022, WPA 14634/2022, WPA 27161/2022, WPA 7616/2020, WPA 7630/2020, WPA 7982/2021 to WPA 19000/2021, WPA 5405/2022, WPA 5406/2022, WPA 2077/2023, WPA 3463/2023, WPA 18400/2023, WPA 21210/2023	Mr. Bikash Ranjan Bhattacharyya, Ld. Sr. Advocate Mr. Sudipta Dasgupta, Mr. Bikram Banerjee, Mr. Arkadeb Biswas, Mr. Arka Nandi, Ms. Dipa Acharyya Mr. Sondwip Sutradhar, Mr. Saikat Sutradhar, Mr. Sutirtha Nayek, Ms. Shalini Ghosh, Ms. Sinjini Chakrabarti Mr. Baibhav Roy Ms. Sagarika Goswami Mr. Sagar Dey Ms. Saptaparni Raha Ms. Suryatapa Das ... Mr. Bikash Ranjan Bhattacharyya, Ld. Sr. Advocate. Mr. Firdous Samim, Ms. Gopa Biswas, Ms. Payel Shome, Ms. Sampriti Saha, Ms. Purba Mukherjee Mr. Avijit Kar, Ms. Mohona Das
For the appellant in MAT 950 of 2023	Mr. Bikash Ranjan Bhattacharyya, Ld. Sr. Advocate Mr. Firdous Samim, Ms. Gopa Biswas, Ms. Payel Shome, Ms. Sampriti Saha, Mr. Avijit Kar, Ms. Mohona Das
For the respondents in MAT 85 of 2023, MAT 124 of 2023, MAT 250 of 2023 to MAT 382 of 2023, MAT 1302 of 2023, MAT 1304 of 2023,	Mr. Bikash Ranjan Bhattacharyya, Ld. Sr. Advocate Mr. Firdous Samim, Ms. Gopa Biswas, Ms. Payel Shome, Ms. Sampriti Saha, Mr. Avijit Kar, Ms. Mohona Das

For the writ petitioners in WPA 20045 of 2019, WPA 22119 of 2019, WPA 8078 of 2020, WPA 8555 of 2020, WPA 11455 of 2020, WPA 13700 of 2021, WPA 17679 of 2023, WPA 8536 of 2020,	Mr. Prasenjit Mukherjee Mr. Golam Mohiuddin, Ms. Puja Mondal
For the petitioner in WPA 19278/2019	Mr. Asish Kr. Chowdhury Mr. Ashif Iquebal, Mr. Rameshwar Sinha, Ms. Debanjana Sen,
For the respondent no.6 to 8 in WPA 21665 of 2019.	Mr. Anindya Bose, Mr. Apalak Basu, Mr. Arkadipta Sengupta, Ms. Pritha Bhaumik Ms. Aayushi Mukherjee
For the petitioners in WPA 3846 of 2023.	Mr. Anindya Lahiri, Mr. Arkadipta Sengupta, Ms. Aayeshi Mukherjee
For the writ petitioner in WPA 2967 of 2023	Mr. Milon Mukherjee, Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. A. Chakraborty
For the petitioner in WPA 5406 of 2022(CAN 12 of 2023).	Mr. Vishak Bhattacharya, Ms. Biyanka Bhattacharya
For the added respondent of CAN 27 of 2024 in WPA 5406 of 2022 and WPA 10960 of 2021	Mr. Sudip Ghosh Chowdhury, Ms. Shreyeta Mitra

For the added party-respondent in CAN 17 of 2023 in WPA 13700 of 2021.	Mr. Ujjal Ray, Mr. Arpa Chakraborty
For the added respondents of CAN 1 of 2023 in WPA 13700 of 2021	Mr. Sakti Pada Jana Mr. Subhajyoti Das
For the added respondents in WPA 13700 of 2021	Mr. Kalyan Kumar Bandopadhyay, Sr. Advocate Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty
For the appellants in MAT 85/2023, WPA 5526/2023, WPA 5538 of 2022, WPA 25380 of 2022, MAT 124 of 2023, MAT 245 of 2023, WPA 362 of 2023, WPA 5526 of 2023, WPA 5531 of 2023, WPA 5797 of 2023, WPA 5799 of 2023, WPA 6164 of 2023, WPA 10614 of 2023, WPA 18585 of 2021, WPA 7370/2023 and MAT 458 of 2023 and For the added respondents in WPA 19273 of 2019, 19278 of 2019, 19749 of 2019,20776 of 2019, 20778 of 2019, 13700 of 2021, 1618 of 2022, 8059 of 2022, 5538 of 2022, 25380 of 2022, 10614 of 2023, 18585 of 2021, 12270 of 2021, 18475 of 2021, 2077 of 2023	Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty
For the respondent in WPA 362 of 2023	Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty

For the State in WPA 23761 of 2023 and WPA 26848 of 2023	Mr. Biswabrata Basu Mallick,Ld. A.G.P. Ms. Mrinalini Majumdar
For the State in WPA 16858 of 2021, WPA 1066 of 2023, WPA 1070 of 2023, WPA 4206/2023, WPA 15359 of 2022 WPA 19053/2022.	Mr. Biswabrata Basu Mallick,Ld. A.G.P.
For the addition of party in WPA 13700 of 2021.	Mr. Shaktipada Jana, Mr. Subhojyoti Das
For the petitioner in WPA 366 of 2024.	Mr. Amitava Choudhuri, Mr. N. Roy, Mr. Chandan Chakraborty
For the State in WPA 2613 of 2018, WPA 18034 of 2018, WPA 19749 of 2019, WPA 8614 of 2022, WPA 5406 of 2022, WPA 16936 of 2021, MAT 1302 of 2023, WPA 1080 of 2023, WPA 1072 of 2023, WPA 18627 of 2019, WPA 3846/23, MAT 199 of 2023, WPA 6213 of 2023 WPA 20070 of 2021, WPA 2903 of 2021 WPA 10316 of 2021 WPA 3463 of 2023	Mr. Arindam Chattopadhyay, Ms. Lipika Chatterjee
For the addition of party in WPA 13700 of 2021, WPA 5406 of 2022.	Mr. S.P. Lahiri, Mr. Rajesh Naskar
For the appellant in MAT 244 of 2023.	Mr. Soumya Majumdar, Mr. Puspal Chakraborty, Ms. Prisanka Ganguly, Mr. Soumyadeep Sarkar

For the writ petitioner in WPA 4556 of 2023	Mr. Puspal Chakraborty, Mr. Prisanka Ganguly, Mr. Soumyadip Sarkar
For the added respondent in WPA 5406 of 2022	Mr. Anirban Sen, Mr. Anindya Lahiri Mr. Samrat Dey Paul Ms. Pranati Das Mr. Anish Chakraborty
For the added respondent in MAT 1302/2023	Mr. Soumya Majumdar, Mr. Anindya Lahiri Mr. Puspal Chakraborty, Mr. Samrat Dey Paul Ms. Pranati Das Mr. Anish Chakraborty
For the writ petitioners in WPA 4556 of 2023	Mr. Puspal Chakraborty, Ms. Prisanka Ganguly, Mr. Soumyadeep Sarkar
For the added respondent nos.476 to 642 in WPA 12270 of 2021.	Mr. Amiya Kumar Datta, Mr. Dipanjan Chatterjee, Mr. Swadesh Priyo Ghosh, Mr. Santanu Talukdar, Ms. Sananda Bhattacharya, Ms. Barna Das
For the added respondent nos.9 to 20 in WPA 20022 of 2019.	Mr. Amiya Kumar Datta, Mr. Dipanjan Chatterjee, Mr. Swadesh Priyo Ghosh, Mr. Santanu Talukdar, Ms. Sananda Bhattacharya, Ms. Barna Das
For the respondent nos.118 to 362 in WPA 18585 of 2021 and for the applicants in CAN 11 of 2024 and CAN 12 of 2024.	Mr. Kalyan Bandopadhyay, Ld. Sr. Advocate Mr. Suman Sengupta, Mr. Rahul Kumar Singh

For the State in WPA 22522 of 2018, WPA 13700 of 2021, WPA 25380 of 2022, WPA 12270 of 2021, WPA 14525 of 2022, WPA 5406 of 2022, MAT 85 of 2023, MAT 557 of 2023, MAT 250 of 2023, MAT 274 of 2023, WPA 5393 of 2023.	Mr. Sirsanya Bandopadhyay, Ld. Jr. Standing Counsel
For the SSC in WPA 2613 of 2018, WPA 20778 for 2019, WPA 21923 of 2019, WPA 18034 of 2018, WPA 20039 of 2019, WPA 30065 of 2017, WPA 8536 of 2020, WPA 18627 of 2029, WPA 18352 of 2019	Mr. Kanak Kiran Bandopadhyay
For the State in WPA 16859 of 2021, WPA 18385 of 2021, WPA 19478 of 2021, WPA 21332 of 2022, WPA 20022 of 2019.	Mr. Supriyo Chattopadhyay, Ld. AGP Ms. Iti Dutta
For the WBBSE	Ms. Koyeli Bhattacharyya
For the added respondents in WPA 5406 of 2022, WPA 10964 of 2021.	Mr. Sudip Ghosh Chouwdhury Ms. Shreyata Mitra
For the applicant in WPA 18585 of 2021.	Mr. Pramit Kumar Roy, Ms. Sahedli Sen, Mr. Rajiv Mullick, Ms. Ayantika Saha, Mr. A. Bandopadhyay
For the applicant in CAN 6 of 2024 in WPA 18585 of 2021 and in CAN 7 of 2024 in WPA 25380/22.	Mr. Shaunak Ghosh, Mr. Rajib Mullick, Ms. Ayantika Saha, Mr. Anindya Sundar Das, Mr. R. D. Banerjee

For the applicant in CAN 7 of 2024 in WPA 18585 of 2021.	Mr. Pramit Kumar Ray, Ld. Sr. Advocate Mr. Shaunak Ghosh, Ms. Saheli Sen, Mr. Rajib Mullick, Ms. Ayantika Saha
For the applicant in WPA 25380 of 2022, MAT 304 of 2023, For the petitioners in WPA 7952 of 2023, CAN 5 of 2024 in WPA 25380 of 2022.	Mr. Siddhartha Banerjee, Mr. Rajiv Mullick, Ms. Ayantika Saha
For the applicant in CAN 7 of 2024 in WPA 25380 of 2022.	Mr. Sounak Ghosh, Mr. Anindya Sundor Das, Mr. R. D. Banerjee
For the petitioner in WPA 20045 of 2019, WPA 22119 of 2019, WPA 8078 of 2020 to WPA 11455 of 2020, WPA 13700 of 2021, wpa 17679 OF 2023, WPA 18352 of 2019, WPA 8536 of 2020	Mr. Prasenjit Mukherjee Mr. Golam Mohiuddin Ms. Puja Mondal
For the applicants in CAN 21 of 2023 and CAN 22 of 2023 in WPA 5406 of 2022.	Mr. L.K. Gupta, Ld. Sr. Advocate Mr. S. Banerjee, Mr. A.B. Das, Ms. S. Chongdar, Mr. S.N. Ghosh
For the applicant in CAN 3 of 2023 and CAN 4 of 2023 in WPA 25380 of 2022, and appellant in MAT 290 of 2023.	Mr. Jaydip Kar, Ld, Sr. Advocate Mr. Abhratosh Majumdar, Ld. Sr. Advocate Mr. Siddhartha Banerjee, Mr. A.B. Das, Ms. S. Chongdar, Mr. S.N. Ghosh

For the petitioner in MAT 304 of 2023, MAT 557 of 2023, WPA 5953 of 2023.	Mr. Jaydip Kar, Ld. Sr. Advocate Mr. Siddhartha Banerjee, Ms. Saheli Sen, Mr. Rajib Mullick, Ms. Ayantika Saha
For the petitioner in WPA 7952 of 2023, the applicant in CAN 5 of 2023 in WPA 25380 of 2022.	Mr. Siddhartha Banerjee, Mr. Rajib Mullick, Ms. Ayantika Saha
For the applicant in CAN 21/23/ CAN 22/23 in WPA 5405 of 2022.	Mr. L. K. Gupta, Sr. Advocate Mr. Siddhartha Banerjee, Mr. Abhisek Baran Das, Mrs. Srijoni Chongdar, Mr. Sudipta Nayan Ghosh
For the applicant in CAN 3/23 CAN 4/23 in WPA 25380 of 2022.	Mr. L. K. Gupta, Sr. Advocate Mr. Siddhartha Banerjee, Mr. Abhisek Baran Das, Mrs. Srijoni Chongdar, Mr. Sudipta Nayan Ghosh
For the petitioners in WPA 5953 of 2023.	Mr. Joydeep Kar, Ld. Sr. Advocate Mr. Abhrotosh Majumdar, Mr. Siddhartha Banerjee, Ms. Saheli Sen, Mr. Rajiv Mallick, Ms. Ayantika Saha
For the applicant in CAN 3 of 2024 in MAT 85 of 2023.	Mr. Sourav Sengupta
For the State in WPA 23652 of 2023.	Mr. Bhaskar Prasad, Vaisya, Ld. AGP Mr. Gourav Das

For the State in WPA 16484 of 2021	Ms. Rupsha Chakrbaorty
For the appellant in MAT 476 of 2023.	Mr. Tapas Singha Roy
For the petitioner in WPA 14670 of 2022.	Ms. Lakshmi Shaw
For the addition of parties in MAT 458 of 2023.	Mr. P.S. Bhattacharyaa, Mr. G.K. Das, Mr. Kapil Chandra Sahoo
For the ED in WPA 13700 of 2021, WPA 13701 of 2021, WPA 17273 of 2021, WPA 5538 of 2022, WPA 12266 of 2021, WPA 12270 of 2021 and WPA 5406 of 2022.	Mr. Dhiraj Kumar Trivedi, LD. DSGI Mr. Samrat Goswami
For CAN 23 of 2023 and CAN 31 of 2024 in in WPA 13700 of 2021 and the applicant in CAN 23, 24 & 25 in WPA 5406 of 2022.	Mr. S.P. Lahiri, Mr. Rajesh Naskar
For the respondent no.4 in WPA 18355 of 2019.	Mr. Rittwik Pattanayak, Mr. Prosenjit Debnath
For the respondent no.641 and 642 in WPA 18593 of 2021.	Mr. Rittwik Pattanayak
For the applicant of CAN 22 of 2023 in WPA 13700 of 2021.	Mr. Pratik Dhar, Sr. Adv., Mr. Rittwik Pattanayak, Mr. S. Khandakar, Mr. S. Ghosh, Ms. Swati Jha

For the MAT No. 457 of 2023	Mr. Sakhawat Khandakar Mr. Sounak Ghosh Ms. Swati Jha
For the petitioner in WPA 366 of 2024.	Mr. Amitava Chowdhury, Mr. Moniruzzaman, Mr. N. Roy, Mr. Chandan Chakraborty
For the applicant in WPA 5406 of 2022.	Mr. Arup Kumar Lahiri, Mr. Debojyoti Dey
For the applicant in WPA 18381 of 2021.	Mr. Partha Sarathi Das, Md. Hafiz Ali, Mr. Debojyoti Dey, Mr. Shanta Sarkar
For the appellant in MAT 259 of 2023.	Mr. Anindya Bose, Mr. Soumyo Sankar Chini
For the respondent no.7 in WPA 21665 of 2019.	Mr. Anindya Bose, Ms. Snehal Seth
For the petitioner in WPA 6282 of 2023.	Mr. Anindya Bose
For the petitioner in WPA 1369 of 2023	Mr. Sudipta Das Gupta
For the respondent nos.6,7 and 8 in WPA 4556 of 2023.	Mr. Anindya Bose, Mr. Arkadipta Sengupta, Ms. Pritha Bhowmik, Mr. Apalak Basu

For the added respondent nos. 6 to 8 in WPA 21665 of 2019	Mr. Arkadipta Sengupta Ms. Pritha Bhaumicki Mr. Apalak Basu
For the appellant in MAT 259 of 2023	Mr. Anindya Bose Mr. Soumya Sankar Chini
For the State in WPA 3399 of 2023, WPA 3990 of 2023.	Mr. Munmun Tewary, Mr. Sanatan Panja
For the added respondents in WPA 13700 of 2021.	Mr. Shaktipada Jana, Mr. Subhojyoti Das
For the appellant in MAT 443 of 2023, MAT 502 of 2023, MAT 470 of 2023, MAT 521 of 2023, MAT 250 of 2023, MAT 274 of 2023, MAT 334 of 2023 (Item No.135) to MAT 382 of 2023 (Item No.146).	Mr. Partha Sarathi Deb Barman, Mr. Shaharaya Alam, Mr. M. Nazar Chowdhury, Mr. Amit Gupta, Mr. R. D. Banerjee, Mr. Raja Adhikary
For the added party in MAT 250 of 2023.	Mr. Rajnil Mukherjee, Mr. M.F. Rahaman, Ms. Debolina Sarkar, Mr. M.F. Rahaman, Mr. Subham Das, Ms. Satabdi Dey
For the addition of party in WPA 13700 of 2021.	Mr. Keshab Chandra Das
For the petitioner in WPA 23259 of 2019	Mr. Ali Ahsan Alamgir, Ms. Rabia Khatoon, Ms. Soma Mal, Ms. June Modak, Mr. Juel Rana

For the applicant in WPA 13700 of 2021.	Mr. Raju Bhatacharyya
For the WBCSSC	Dr. Sutanu Kumar Patra, Ms. Supriya Dubey, Mr. Sunit Roy Ms. Debolina Chakraborty
For the added respondent nos.363 to 408 and 803 In WPA 18585 of 2021.	Mr. Dilip Kumar Maity, Mr. Chandan Maity
For the respondent nos.21,25,27,30,39,40,41,411,422 ,413 in WPA 12266 of 2021, For the added respondent nos.9-20 in WPA 20022 of 2019, For the added respondent nos.476-642 in WPA 12270 of 2021	Mr. Subir Sanyal, Mr. Chitto Priya Ghosh, Mr. Sourajit Mukherjee, Mr. Amiya Kumar Datta, Mr. Dipanjan Chatterjee, Mr. Swadesh Priya Ghosh, Mr. Santanu Talukdar, Ms. Sananda Bhattacharya, Ms. Barna Das
For the applicant in WPA 5406 of 2022 and For the respondents in WPA 362 of 2023	Mr. Samrat Dey Paul, Ms. Proniti Das, Mr. Anish Chakraborty
For the writ petitioners in WPA 12662 of 2018, WPA 22777 of 2018, WPA 21312 of 2021	Mr. Ashis Kumar Chowdhury, Mr. Rajiv Ghosh, Mr. Babhru Bahan Bera
For the State in WPA 16450 of 21, WPA 18994 of 21, WPA 21430 of 21, WPA 4313 of 23, WPA 8598 of 22, WPA 18590 of 21, MAT 458 of 23, WPA 19000 of 21 and WPA 10617 of 23	Mr. Supriyo Chattopadhyay, Ms. Sayantanee Bhattacharjee

For the State in WPA 2496 of 2023	Mr. Malay Singh Ms. Neelam Singh
For the State in MAT 480 of 2023	Mr. Jayanta Samanta, Jr. Govt. Adv. Mr. Kushal Biswas
For the State in WPA 22523 of 18 and added respondent no.15, in WPA 18585 of 2021	Mr. Sanjib Das
For the added parties/applicants in WPA 5406 of 2022.	Mr. Partha Sarathi Bhattacharyya, Ld. Sr. Adv., Mr. Nilankan Banerjee
For the added parties/applicants in CAN/29/24, CAN/30/24 in WPA 13700 of 2021	Mr. P. S. Bhattacharyya, Ld. Sr. Adv., Mr. Nilankan Banerjee
For the writ petitioners in WPA 22522 of 2018 to WPA 22973 of 2018, WPA 21923 of 2019, WPA 4835 of 2020, WPA 21317 of 2021, WPA 21332 of 2022 to WPA 21350 of 2022, WPA 3859 of 2023, WPA 6859 of 2023, WPA 9327/2023, WPA 9315/23, WPA 12662/18 to WPA 22971 of 2018, WPA 21312 of 2021, WPA 9315 of 2023, WPA 14104 of 2023, WPA 21999 of 2023, WPA 25669 of 2023 WPA 4715 of 2023	Mr. Ashis Kumar Chowdhury, Mr. Rajib Ghosh, Mr. Babhru Bahan Bera

For the petitioners in WPA 16844 of 2019 to WPA 21665 of 2019, WPA 21923 of 2019, WPA 10387 of 2023, WPA 24247 of 2023, WPA 18352 of 2019, WPA 8003 of 2021, WPA 7982 of 2021, WPA 22860 of 2023, WPA 7982 of 2021, WPA 22971 of 2018, WPA 21154 of 2019,	Mr. Ashis Kumar Chowdhury, Mr. Rajib Ghosh, Mr. Babhru Bahan Bera
For the applicants in MAT 284 of 2023	Mr. Rajiv Ghosh
For the applicants in WPA 2967 of 2023.	Mr. Milon Mukherjee, Ld. Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Ms. Pranati Das, Mr. Samrat Dey Paul, Mr. Anish Chakraborty
For the applicants in WPA 5538 of 2022, WPA 25380 of 2022, MAT 85 of 2023 to MAT 245 of 2023, WPA 5526 of 2023, MAT 458 of 2023, WPA 6164 of 2023, WPA 18585 of 2021, WPA 5406 of 2022, MAT 1302 of 2023 MAT 124 of 2023, WPA 10614 of 2023, WPA 18470 of 2021.	Mr. Pratik Dhar, Ld. Sr. Avocate Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Ms. Pranati Das, Mr. Anish Chakraborty
For the added respondents in WPA 13700 of 2021.	Mr. Kalyan Bandyapadhyay, Ld. Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty

For the added respondent WPA 16844 of 2019 to WPA 5786 of 2022	Mr. Kalyan Bandyapadhyay, Ld. Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Ms. Pranati Das, Mr. Anish Chakraborty
For the added respondent WPA 19273 to WPA 20778 of 2019, WPA 1618/2022, WPA 5538 of 2022, WPA 25380/2022, WPA 10614/2023, WPA 18585/2021, WPA 18585 of 2021, WPA 2077 of 2023	Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul Ms. Pranati Das, Mr. Anish Chakraborty
For the respondent Nos. 118 to 362 in W.P.A. 18585 of 2021 and for the applicants in CAN 11 & 12 of 2024	Mr. Kalyan Kumar Bandopadhyay, Sr. Adv., Mr. Suman Sengupta, Mr. Rahul Kumar Singh
For the appellant in WPA 7370 of 2023.	Mr. Anindya Kumar Mitra, Ld. Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty
For the applicants in CAN 5 of 2021 in WPA 12266 of 2021, For the appellants in MAT 334 of 2023 to MAT 343 of 2023, MAT 345 of 2023, MAT 359 of 2023 to MAT 382 OF 2023, WPA 12270 of 2021, MAT 443 of 2023, MAT 502 of 2023, MAT 470 of 2023 MAT 521 of 2023, MAT 250 of 2023, MAT 274 of 2023, applicants of CAN 7 of 2023, CAN 9 of 2024 and CAN 10 of 2024 in WPA 12270 of 2021, applicants of CAN 32 of 2024 and CAN 38 of 2024 in WPA 5406 OF 2022, applicants of CAN 5 of 2023 and CAN 10 of 2024 in WPA 18585 of 2021.	Mr. Anindya Kumar Mitra, Ld. Sr. Adv., Mr. P.S. Deb Barman, Mr. Debasis Nandi Mr. Amit Gupta, Mr. Aninda Bose, Mr. Raja Adhikary, Mr. S. Alam, Md. M. Nazar Chowdhury, Mr. Marghoob Ahmed Salik Mr. R. D. Banerjee

For the State in WPA 24247 of 2023	Mr. Avijit Sarkar, Mr. Suman Singh
For the writ petitioner in WPA 12270 of 2021	Mr. Mukul Lahiri, Ld. Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty
For the applicants in MAT 244 of 2023, WPA 4556 of 2023, MAT 1302 of 2023, WPA 5406/2022	Mr. Soumya Majumder, Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Puspal Chakraborty, Mr. Samrat Dey Pal, Ms. Pranati Das, Mr. Prisanka Ganguly, Mr. Soumyadeep Sarkar
For the petitioner in WPA 3859 of 2023, WPA 6210 of 2023, WPA 6213 of 2023 & WPA 6859 of 2023	Mr. Subrata Bhattacharjee
For the appellant in MAT 1302 of 2023	Mr. Soumya Majumder, Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Ms. Pranati Das, Mr. Prisanka Ganguly, Mr. Anish Chakraborty
For the added respondents in WPA 5406 of 2022	Mr. Anirban Sen, Mr. Anindya Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty
For the added respondent in WPA 25380 of 2022	Mr. Anirban Sen, Mr. Anindya Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty

For the respondent in WPA 362 of 2023	Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. Anish Chakraborty
For the respondent in WPA 3846 of 2023	Mr. Anindya Lahiri, Mr. Arkadipta Sengupta, Ms. Aayushi Mukherjee
For the petitioner in WPA 4556 of 2023	Mr. Puspal Chakraborty, Mr. Prisanka Ganguly, Mr. Soumyadip Sarkar
For the added respondent nos.9 to 20 in WPA 12270 of 2021 and For the added respondent nos.476 to 640 in WPA 20022 of 2019	Mr. Biswaroop Bhattacharya, Mr. Sumitava Chakraborty, Ms. Bratati Pramanick
For the added respondents in WPA 5406 of 2022	Mr. Biswaroop Bhattacharyya, Mr. Pratik Majumdar, Mr. Snehasish Dey
For the appellants in MAT 318 of 2023, MAT 276 of 2023	Mr. Utkarsh Kaushik, Ms. Devyani Ashra
For the writ petitioner in WPA 3846 of 2023	Mr. Anindya Lahiri, Mr. Arkadipta Sengupta, Ms. Aayushi Mukherjee
For the writ petitioner in WPA 4556 of 2023	Mr. Puspal Chakraborty, Mr. Prisanka Ganguly, Mr. Soumyadip Sarkar

For the added respondents in WPA 19273 of 2019, WPA 19278 of 2019, WPA 19749 of 2019, WPA 20776 of 2019, WPA 20778 of 2019, WPA 7532/2023, WPA 2077/2023, WPA 18475/21, WPA 10614 of 2023	Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. A. Chakraborty
For the appellants/writ petitioners MAT 85 of 2023, MAT 124/23, MAT 245/23, WPA 5526/23, WPA 6164/23, WPA 5531/23, WPA 5797 of 2023, WPA 5799/23.	Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. A. Chakraborty
For the added respondent in WPA 12270 of 2021	Mr. Mukul Lahiri, Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Ms. Pranati Das, Mr. A. Chakraborty
For the respondent nos. 385 and 386 in WPA 5406 of 2022	Mr. Ranajit Chatterjee, Mr. Aniruddha Mitra
For private respondent Nos. 6 & 7 in WPA 13701 of 2021 and private respondent no. 6 in WPA 10949 of 2021 and Private respondent no. 6 in WPA 13863 of 2021 and private respondent no. 7 in WPA 18487 of 2021.(candidates for Classes IX & X)	Mr. Partha Sarkar
For the petitioner in WPA 5134 of 2023	Md. Sarwar Jahan, Ms. Tapati Sarkar
For the petitioner in WPA 3476 of 2020	Mr. Rama Haldar

For the applicant in CAN 9 of 2024 in WPA 18585 of 2021	Mr. Anindya Lahiri, Ms. Pranati Das, Mr. Souvik Dere, Mr. Anis Chakraborty
For the respondent nos. 6 and 7 in WPA 20404 of 2019	Mr. Susanta Pal, Mr. Prabir Kumar Ray, Mr. Debasish Kar
For the appellants in MAT 276 of 2023 and MAT 318 of 2023	Mr. Utkarsh Kaushik, Ms. Devyani Ashra
For the CBI	Mr. Dhiraj Trivedi, LD. DSGI Mr. Arijit Majumdar, Ms. Supriti Sarkhel
For the State in WPA 16844 OF 2019, WPA 19273/2019, WPA 19278/2019, WPA 21665/2019,WPA 15137 OF 2021, WPA 17273/2021, WPA 18379/2021, WPA 18470/2021, WPA 5810/23, WPA 18475/2021, WPA 21261/2021, WPA 27164/2022, WPA 12662/2018, WPA 21268 OF 2021,WPA 1079 OF 2023, WPA 2077/23, WPA 3846 OF 2023, , WPA 8059 OF 2022, WPA 13105 OF 2018, WPA 5604 OF 2023, WPA 9105 OF 2023	Mr. Anirban Ray, Ld.G.P., Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Suman Dey
For the State in WPA 4841 of 2023	Mr. Anirban Ray, Ld. G.P., Mr. Bhaskar Prasad Vaisya, A.G.P., Mr. Sanjib Das
For the State in WPA 16481/2021, WPA 16948/ 2021, WPA 18801/2021, WPA25380/2022, WPA 30065/2017, WPA 1083/23 WPA 19060 OF 2022, WPA 6859/23	Mr. Anirban Ray, Ld. G.P Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Mrinal Kanti Ghosh

For the State in WPA 13863 of 2021, WPA 12266 of 2021	Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Niloy Baran Mondal
For the State in WPA 13863 of 2021, WPA 12266 of 2021	Mr. Anirban Ray, GP Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Joydip Banerjee
For the State in WPA 23652/2023	Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Gourav Das
For the State in WPA 22785/2018, WPA 16487 OF 2021, WPA 16960/2021, WPA 18379/2021, WPA 18995/2021, WPA 5538/2022, WPA 7346/2022, WPA 21334/2022, WPA 20034/2019, WPA 18401/23, WPA 27168/23, WPA 1072 OF 2023, WPA 10213/22, WPA 18400/23, WPA 21999 OF 2023	Mr. Anirban Ray, Ld. G.P. Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Sagnik Chatterjee
For the State in WPA 19749/2019, WPA 8264/2021, WPA 16487/2021, WPA 18381 /2021, WPA 20906/2021, WPA 1072 OF 2023, WPA 6213 OF 2023, WPA 8614/2022, WPA 16936/2021, WPA 5406/2022, WPA 1080 OF 2023, WPA 3846/2023	Mr. Anirban Ray, Ld. GP Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Arindam Chattopadhyay,
For the State in WPA 16968 of 2021, WPA 19477/2023	Mr. Bhaskar Prasad Vaisya, Mr. Pinaki Bhattacharyya
For the State in WPA 21266 of 2021, WPA 21267 of 2021, WPA 21340 of 2021, WPA 6550 of 2022	Mr. Anirban Ray, Ld. GP Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Ranjan Saha

For the State in WPA 18589 of 2021	Mr. Bhaskar Prasad Vaisya, Ld. AGP,
For the State in WPA 23652 of 2023, WPA 30065 of 2017	Mr. Bhaskar Prasad Vaisya, Ld. AGP, Mr. Gourab Das
For the State in WPA 13863/21, WPA 12266/21	Mr. Bhaskar Prasad Vaisya, Ld. AGP Mr. Nilay Baran Mandal
For the State in WPA 24247 of 2023	Mr. Avijit Sarkar, Ms. Suman Singh
For the WBBSE	Ms. Koyeli Bhattacharyya
For the respondent no.6 in WPA 16844 of 2019.	Mr. Tanmoy Biswas, Ms. Antara Mukherjee
For the applicant/added party in CAN 29 of 2024, CAN 30 of 2024 and for respondent no.6 in WPA 13700 of 2021 and WPA 5406 of 2022 in CAN 28 of 2024	Mr. Partha Sarathi Bhattacharya, Sr. Adv., Mr. Nilankan Banerjee
For the petitioners in WPA 6210 of 2023 and WPA 6213 of 2023	Mr. Partha Sarathi Bhattacharya, Sr. Adv., Mr.Nilankan Banerjee
For the petitioners in WPA 13700 of 2021.	Mr. Partha Sarathi Bhattacharyya, Ld. Sr. Advocate Mr. Anindya Bose,
For the added parties in CAN 2 of 2023 in MAT 458 of 2023	Mr. Partha Sarathi Bhattacharyya, Ld. Sr. Advocate Mr. G.K. Das, Mr. Kapil Chandra Sahoo

For the applicants of CAN 19 of 2023 in WPA 13700 of 2021	Mr. Anindya Bose
For the State in WPA 20776 of 2019 & WPA 16505 of 2021	Mr. Santanu Kr. MIira, Mr. Amartya Pal
For the added respondent nos. 476 to 642 in WPA 12270 of 2021 and added respondent nos. 9-20 in WPA 20022 of 2019	Mr. Amiya Kumar Dutta, Mr. Dipanjan Chatterjee, Mr. Swadesh Priya Ghosh, Mr. Santanu Talukdar, Ms. Sananda Bhattacharya, Mr. Barna Das
For the added respondents in WPA 10960 of 2021 and WPA 5406 of 2022 with CAN 27 of 2024	Mr. Sudip Ghosh Chowdhury, Ms. Shreyeta Mitra
For the appellant in MAT 476 of 2023	Mr. Tapas Singha Roy
For the petitioner in WPA 366 of 2024	Mr. Amitava Chaudhuri, Mr. N. Ray, Mr. Chandan Chakraborty
For the added respondent in CAN 13 of 2021 in WPA 13700 of 2021	Mr. S. N. Mukherjee, sr. adv. Mr. Niraj Gupta, Ms. Afroja Nusrat, Mr. Hafizul Islam
For the petitioner in WPA 18034 of 2018	Mr. Kamal Mishra, Mr. Pratap Sanfui
For the added parties in CAN 2 of 2023 in MAT 1458 of 2023	Mr. Gourango Das, Mr. Kapil Chandra Sahoo
For the petitioner in WPA 4117/23, WPA 4213 of 2023, WPA 6577 of 2023 and WPA 160 of 2023	Mr. Sankar Prasad Dalapati, Mr. Pritam Chowdhury, Mr. Safik Dewan, Mr. Sourav Mondal

For the applicant in WPA 30065/2016, WPA 5406/2022 (CAN 26/2024)	Mr. Tamal Taru Panda
For the applicant in CAN 12 of 2023 in WPA 5406 of 2022	Mr. Vishak Bhattacharya, Ms. Ruchika Chatterjee, Ms. Biyanka Bhattacharya
For the petitioner in WPA 362 of 2023	Mr. Dibyendu Chatterjee, Mr. Pritam Majumdar, Mr. Rahul Deb Goenka, Mr. Mainak Singh Barma
For the added party in CAN 26 of 2023 in WPA 5406 of 2022	Mr. Arup Kr. Lahiri, Mr. Debojyoti De
For the petitioner in WPA 18627 of 2019, WPA 23946 of 2019,WPA 19053 of 2022 and WPA 19060 of 2022	Mr. Santanu Maji, Ms. Sayani Biswas
For the added party in CAN 1 of 2023 in WPA 18381 of 2021	Mr. Partha Sarathi Das, Md. Hyafiz Ali, Mr. Shanta Sarkar, Mr. Debojyoti De
For the ED	Mr. Dhiraj Triwedi, Ld. DSG Mr. Samrat Goswami
For the CBI	Mr. Dhiraj Trivedi Mr. Arijit Majumder Ms. Supriti Sarkhel
For the respondent no.4 in WPA 18355 of 2019	Mr. Ritwik Pattanayak, Mr. Prasenjit Debnath
For the applicants in CAN 22 of 2023 in WPA 13700 of 2021	Mr. Pratik Dhar, Ld. Sr. Advocate Mr. Ritwik Pattanayak, Mr. S. Khandakhar, Mr. S. Ghosh, Ms. Swati Jha

For the respondent nos.641 & 642 in WPA 12270 of 2021	Mr. Ritwick Pattanayak
For the respondent no.4 in WPA 18355/2019	Mr. Ritwick Pattanayak, Mr. Prasenjit Debnath
For the applicant CAN 6 of 2024 in WPA 25380 of 2022	Mr. Jayanta Mitra, Ld. Sr. Advocate Mr. Yuvraj P. Narvankar, Ld. Sr. Advocate Mr. Supratim Dhar, Ms. Madhupriya, Mr. Hebzur Rahaman
For the added respondent nos. 3, 5, 6 & 7 in WPA 18355 of 2019	Mr. Kamalesh Bhattacharya, Mr. Mahadeb Sarkar, Mr. Bikash Chowdhury
For the petitioners in WPA 4313 of 2023	Ms. Kakoli Samajpaty Ms. Sangita Jangra Mr. Subhronil Roy
For the appellant in MAT 85 of 2023	Mr. Arunava Ghosh, Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Mr. Pranati Das, Mr. Anish Chakraborty
For the added respondent in WPA 13700 of 2021	Mr. Kalyan Bandopadhyay, Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Mr. Pranati Das, Mr. Anish Chakraborty
For the writ petitioner in WPA 2967 of 2023	Mr. Milon Mukherjee, Sr. Adv., Mr. Anindya Lahiri, Ms. Tannistha Lahiri, Mr. Samrat Dey Paul, Mr. Pranati Das, Mr. Anish Chakraborty

For the petitioner in WPA 4313 of 2023	Ms. Kakali Samajpaty, Ms. Sangita Jangra Mr. Subranil Ray
For the respondent no. 4 in WPA 21430 of 2021	Ms. Kakali Samajpaty, Ms. Sangita Jangra Mr. Subranil Ray
For the added respondent in CAN 13 of 2023 in WPA 13700 of 2021	Mr. Sankar Nath Mukherjee Mr. Niraj Gupta Ms. Afroja Nusrat
For the applicant in MAT 345 of 2023, MAT 359 of 2023	Ms. Debyani Ashra
For the SSC in WPA 2613/2018, WPA 18627/2019, WPA 21923/2019, WPA 18034/2018, WPA 20039/2019, WPA 30065/2017, WPA 8536/2020	Mr. Kanak Kiran Bandyoapdhyay
For the added respondent in WPA 5406 of 2022	Mr. Ranajit Chatterjee, Mr. Aniruddha Mitra
For the applicant in CAN 31/24 in WPA 13700/2021	Mr. P.S. Bhattacharya, Sr. Advocate Mr. A. Maitra, Mr. S. P. Lahiri
For the petitioners in WPA 21430/21, WPA 4313/2023	Mr. Shuvro P. Lahiri
For the added respondents of CAN 23/23 in WPA 13700/21 and CAN 23/2023, CAN 24/2023 and CAN 25/2023 in WPA 5406/2022	Mr. Shuvro P. Lahiri Mr. R. Naskar
For the petitioners in WPA 4313 of 2023 and for the private respondent in WPA 21266 of 2021	Mrs. Kakali Samajpaty, Ms. Sangeeta Jangra

For the added respondent of CAN/1/24 in WPA 10947/2021	Ms. Reshmi Ghosh, Ms. Parna Mukherjee, Ms.Barnali Gantait
For the petitioner of CAN 34/24 in WPA 5406 of 2022	Mr. Yudhisthir Maity
For the applicant in WPA 5406 of 2022	Mr. Anirban Sen
Heard on	: January 15, 2024, January 16, 2024, January 17, 2024, January 18, 2024, January 19, 2024, January 24, 2024, February 5, 2024, March 4, 2024, March 6, 2024, March 7, 2024, March 8, 2024, March 11, 2024, March12, 2024, March 13, 2024, March 14, 2024, March 19, 2024, March 20, 2024
Judgement on	: April 22, 2024

DEBANGSU BASAK, J.:-

Preface

1. Several writ petitions and few appeals have been heard by this Division Bench, relating to the 2016 selection process conducted by the West Bengal Central School Service Commission (SSC for short), in terms of the order dated November 9, 2023 passed by the Supreme Court.

2. Initially, in terms of such order dated November 9, 2023 of the Supreme Court, we had commenced hearing of the matters on January 29, 2024. In the midst of hearing, learned counsel for one of the parties had submitted that, his clients would require inspection of the documents sought to be relied upon in the proceedings. Pursuant to such request being made, hearing of the matters had been adjourned and directions for giving inspection were passed on February 5, 2024. Further directions had been passed to facilitate the inspection. Subsequently, hearing of the matters had commenced on March 4, 2024. The matters have been heard practically on a day-to-day basis and for the substantial period of the day on the dates of hearing. Learned counsels for the parties has submitted written notes on argument.

Contentions of Writ Petitioners

3. Mr. Bikash Ranjan Bhattacharjee, learned Senior Advocate appearing for the writ petitioners has drawn the attention of the Court to the fact that, the 2016 selection process conducted by SSC for recruitment to the post of Group D and C in terms of the West Bengal School Service Commission (Selection of Persons for the Appointment to Non-Teaching Staff) Rules, 2009 and to the post of Assistant Teacher in classes IX and X in terms of West Bengal School Service Commission (Selection for Appointment to the Post of Teachers for Classes IX and X in Secondary and Higher Secondary Schools) Rules, 2006 and to the post of Assistant Teacher in classes XI and XII in terms of West Bengal School Service Commission (Selection for Appointment to Post of Teachers for Classes XI and XII in Higher Secondary Schools) Rules, 2016 are under challenge. He has pointed out that in one of such writ petitions being WPA No. 12266 of 2021 (Sandeep Prasad & Ors. vs. State of West Bengal & Ors.) the writ petitioners approached the learned single Judge pointing out 25 examples where candidates were recommended by SSC after expiry of the panel prepared in relation to recruitment process in respect of Group D appointments. Similar writ

petitions had been filed in respect of Group C appointments. In this context, he has drawn the attention of the Court to the affidavit of SSC affirmed on November 18, 2021 and November 22, 2021. The learned single Judge by an order dated November 21, 2021 passed in WPA 12266 of 2021 had appointed the Central Bureau of Investigation (CBI) to investigate the illegalities and the money trail, if any. An appeal had been carried against such order dated November 21, 2021 when the Appeal Court by an order dated December 6, 2021 found serious irregularities in the recruitment process and held that a constitutional Court can go deeper into the matter in the interest of justice and mould the relief accordingly. He has contended that, the issue of non-maintainability of the writ petitions had been decided by the Division Bench and that the Division Bench had found the writ petitions to be maintainable.

4. On the aspect of maintainability, Mr. Bhattacharya has contended that, such issue is no longer germane at this stage of the proceeding, as the Court proceeded all throughout in exercise of constitutional powers, in order to ensure Articles 14 and 15 of the Constitution of India were not violated. In support of his contentions, he has relied upon ***2003 Volume***

6 Supreme Court Cases 581 (T. K. Rangarajan vs. Government of Tamil Nadu and others), ***2016 Volume 4 Supreme Court Cases 160 (Dharam Pal vs. State of Haryana and Others)***, and ***2018 Volume 12 Supreme Court Cases 61 (Bharati Reddy vs. State of Karnataka and Others)***. He has contended that, in facts of the present case, since a scam relating to public appointments has been discovered a Constitutional Court should not hesitate to enforce compliance with Article 14 of the Constitution of India.

5. Mr. Bhattacharya has submitted that, the Division Bench appointed a four-member committee consisting of a representative of SSC, a representative of the Board, a practising advocate of the Court under the Chairmanship of Justice Ranjit Kumar Bag (retired) for a thorough investigation with regard to the selection process. Such committee had made a thorough investigation and made several recommendations. He has pointed out the recommendations and the findings of such committee.

6. Mr. Bhattacharya has submitted that, SSC filed several affidavits in the matters admitting illegal appointments and sought to justify them under the garb of inadvertent mistakes. In this regard, he has referred to the affidavit of SSC

affirmed on November 3, 2021 in WPA 13700 of 2021, affidavit affirmed on March 11, 2022 by SSC in WPA 18590 of 2021, affidavit affirmed by SSC in March 2022 in WPA 21268 of 2021, affidavit of SSC affirmed on March 11, 2022 in WPA 21258 of 2021, affidavit affirmed in March 2022 by SSC in WPA 18802 of 2021, affidavit affirmed in March 2022 by SSC in WPA 18381 of 2021, affidavit affirmed on March 10, 2022 by SSC in WPA 18387 of 2021, affidavit affirmed on March 9, 2022 by SSC in WPA 18379 of 2021. He has also relied upon a report of SSC where according to him, SSC effectively admitted the illegality with regard to candidates not being in the merit list at all but still made it to the panel. SSC had admitted that, the beneficiaries of such illegal act did not have any legal right to challenge the same.

7. Mr. Bhattacharya has contended that, an appeal was preferred against various orders of the learned single Judge pertaining to different writ petitions relating to the 4 categories of the recruitment. Such appeal had been dismissed by a judgement and order dated May 18, 2022.

8. Mr. Bhattacharya has submitted that, CBI produced an interim report with regard to another kind of discrepancy being the manipulation of the Optical Marks Recognition

(OMR) answer scripts. The learned single Judge has passed an order dated September 20, 2022 with regard thereto. CBI has filed an affidavit dated December 7, 2022 which stated that scanning of all original OMR sheets had been done at the office of the SSC by M/s NYSA. He has pointed out that, SSC, Board or the state government including several candidates who are private respondents in WPA 13700 of 2021 did not challenge such affidavit of CBI.

9. Mr. Bhattacharya has pointed out that, CBI filed several interim reports before the learned single Judge on the basis of which learned single Judge directed SSC to file an affidavit. Thereafter SSC has filed an affidavit affirmed on 2023 wherein it admitted that SSC appointed M/s NYSA for scanning and assessing the OMR answer scripts in relation to the recruitment processes. Such affidavit had also acknowledged that 2,819 OMR sheets and four answer strings were lesser than the marks of the candidates kept in the server of SSC. Similar affidavits had been filed in respect of the other 3 categories of the selection processes. He has pointed out that, these affidavits were the first threshold reaction of SSC.

10. Mr. Bhattacharya has pointed out that, SSC has filed an affidavit before the Supreme Court admitting that the Chairman of SSC in exercise of executive powers directed destruction of the OMRs, answer scripts and other papers within a year after keeping a mirror image of the same. He has contended that, such decision was arbitrary and illegal and in violation of Section 8 (3) of the Right to Information Act, 2005.

11. Mr. Bhattacharya has contended that, SSC still retains the mirror image of the OMR sheets in respect of the candidates and in support of such contention, he has referred to 3 affidavits of 3 of the petitioners, namely, Anindita Bera affirmed on January 24, 2024, Nasrin Khatun affirmed on February 5, 2024 and Setab Uddin affirmed on February 5, 2024. He has contended that, SSC supplied copy of OMR on January 18, 2024 from the data stored in the SSC database. Such OMR for at least one candidate had been given from the database in 2018. SSC had published some OMR sheets in terms of the order of the Court dated December 14, 2022. OMRs published in 2018 and 2022 are the same and identical. He has contended that, SSC is still in possession of the OMR answer sheets.

12. Mr. Bhattacharya has contended that, the Court by an order dated February 5, 2024 gave opportunity to all interested parties in the litigation to inspect the OMR sheets from the CBI authorities. After taking such inspection, none has disputed the veracity of the OMR sheets in possession of CBI. On the contrary, one of the candidates had admitted the OMR sheet to be genuine and questioned the authority of marks awarded to that particular candidate in variance with the OMR sheet.

13. Mr. Bhattacharya has contended that, CBI from time to time filed several reports which disclose that OMR sheets recovered were shown to the SSC who checked and found serious manipulations. Accordingly, the learned single Judge had directed SSC to publish the list of beneficiaries of such manipulations. List of beneficiaries of manipulations had been directed to be published in respect of appointments for classes IX and X as well as for Group C and D. He has pointed out that, the list published by SSC shows that candidates who secured zero in the OMR sheets were given more than qualifying marks and subsequently appointed. Supreme Court had stayed the publication of the list for appointment of Assistants Teachers for classes XI and XII.

14. Mr. Bhattacharya has pointed out that, SSC terminated the appointments of the beneficiaries of the illegalities by invoking Rule 17 of the Rules. SSC had also stated in an affidavit that there may be more candidates who were wrongly recommended for appointment by SSC and prayed for time for verifying the records. In this regard, he has referred to page 334 of volume 2 of the compilation. He has pointed out that, till date, SSC did not conclusively identify the total number of illegalities. He has pointed out that before the Division Bench, SSC by an affidavit affirmed on December 20, 2023 stated that with regard to the issue of rank jump for appointments of classes IX and X, out of 183 candidates, 122 candidates have been removed and 61 were still remaining. Subsequently, by another affidavit affirmed on January 5, 2024, SSC had stated that out of the remaining 61 candidates 40 candidates were neither in the panel nor in the wait list and stated that 2 more candidates were identified. He has contended that, SSC was still in the process of identifying the illegal appointments.

15. Mr. Bhattacharya has contended that, the vires of Rule 17 had not been challenged by appointees. Appointments had been cancelled. He has contended that, vires can be

challenged if the Rule was in violation of the parent statute and if the same was arbitrary. According to him, Rule 17 does not suffer from any infirmity especially on the ground of violation of the principles of natural justice since there is no scope for any pre decisional hearing in case of appointments made in public employment which was vitiated by fraud or illegalities.

16. Referring to Section 65B (4) of the Indian Evidence Act, 1872, Mr. Bhattacharya has contended that, SSC acted upon the disclosures made by CBI. He has contended that, primary document is the scanned copy of the OMR and that such scanning was prepared at the office of SSC. Assessment had been made on the basis of such scanned copy. Without prejudice to his contention, he has relied upon ***2014 Volume 10 Supreme Court Cases 473 (Anvar P.V. Vs. P.K. Basheer and Others)*** and ***2020 Volume 7 Supreme Court Cases 1 (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and Others)*** with regard thereto. He has contended that, requirement of certificate under Section 65B (4) was procedural in nature and can be relaxed by the Court wherever the interest of justice so justifies. He has also relied upon paragraph 18.21 of Murphy on Evidence, 5th edition for

the proposition that, if the Court's conscience is satisfied that the evidence is relevant, the Court has inherent powers to take the affidavit of documents on record for proper adjudication.

17. Mr. Bhattacharya has submitted that, powers under Section 165 of the Indian Evidence Act, 1862 should be exercised by a Constitutional Court in order to effectively adjudicate the disputes, without even deciding on the question of admissibility of evidence. He has pointed out that, SSC is the creator of the OMR which invariably contains the signature of the respective candidates, signature of the respective invigilators, a barcode which is unique to each OMR and a unique identification number along with the question booklet number to which it relates to. Moreover, SSC had accepted the electronic data seized by CBI during the course of the investigation. SSC had compared and checked such data with the digital records available in the servers of SSC and admitted the genuineness of the retrieved OMR. He has contended that, CBI in its affidavit affirmed on December 7, 2022 filed in WPA 13700 of 2021 adequately described the manner in which, such electronic data was retrieved. According to him, there has been sufficient compliance with

the provisions of Section 65B (4) of the Indian Evidence Act, 1872. He has pointed out that, requisite certificate had been produced by CBI and filed by way of an affidavit affirmed on January 15, 2024.

18. Mr. Bhattacharya has contended that, appointments to any post under the control of a statutory authority is bound to be in conformity with Articles 14 and 16 of the Constitution. There is no ground to challenge the report of the CBI which had exposed the nature and variety of the manipulations and which ultimately snowballed and took the shape of a public scam relating to appointments of school teachers and non-teaching staff. He has relied upon ***1994 Volume 4 Supreme Court Cases 164 (H. R. Adyanthaya and Others vs. Sandoz (India) Limited and Others)*** *and* ***2023 Volume 9 Supreme Court Cases 749 (Dulu Deka vs. State of Assam and Others)*** in support of his contentions. According to him, the appointments have been vitiated also due to infractions of the declared reservation policy.

19. Referring to ***2013 Volume 3 Supreme Court Cases 1 (State of Gujarat and Another vs. Justice R.A. Mehta and Others)*** Mr. Bhattacharya has contended that, corruption is a cancer to the democratic governance. According to him, Court

has the duty to reveal the truth to ensure justice. For revelation of truth, the Court may not always be shackled with the procedural niceties. He has relied upon ***2012 Volume 5 Supreme Court Cases 370 (Maria Margarida Sequeira Fernandes and Other vs. Erasmo Jack De Sequeira)*** in this regard.

20. Mr. Bhattacharya has pointed out that SSC filed an application to protect illegal appointments by creating supernumerary post. He has pointed out that, due to the opposition of the writ petitioners, such application was not allowed to be withdrawn. He has also pointed out that, on appeal from the order refusing to grant permission to withdraw such application, the Division Bench was pleased to decline the permission for withdrawal of such application made by SSC by the order dated November 24, 2022. A special leave petition had been preferred in which an order dated November 25, 2022 was passed which did not grant permission to withdraw the application. Therefore, according to him, SSC had admitted illegal appointments.

21. Mr. Bhattacharya has contended that, in the facts and circumstances of the present case, the Court has no option but to set aside the entire selection process. In support of

such contention, he has relied upon ***2021 Volume 16 Supreme Court Cases 217 (State of Tamil Nadu and Another vs. A. Kalaimani and Others)***. Alternatively, he has submitted that the Court will be pleased to direct preparation of the merit list on the basis of the performance of the candidates reflected in the scanned OMR and direct issuance of appointment letters in terms of the new merit ranking after setting aside all appointments made by the tainted process till date.

Contentions of writ petitioners complaining of rank jump

22. Mr Ashish Kumar Chowdhury, learned advocate appearing for another set of writ petitioners has submitted that, he was representing writ petitioners who had suffered rank jumping. He has contended that, there were several irregularities in the selection process. Moreover, there has been wrong assessment of answers. Writ petitioners have raised disputes in the counselling process as also the vacancy said to be declared. He has contended that, he was representing writ petitioners who have raised such issues.

23. On the rank jumping issue, Mr. Chowdhury has contended that, SSC adopted 2 types of irregularities with the

intention to give appointments to the lower ranked and less meritorious candidates. According to him, firstly, lower rank order candidates got the appointment since SSC did not prepare the panel in terms of Rule 12 (7) of the recruitment Rules on the basis of total marks obtained by the candidate by adding the marks obtained in the written test and marks of academics and professional qualification and marks of the personality test. SSC had followed Rule 12 (6) on the basis of marks obtained by the candidates in the written test and marks obtained in academics and professional qualification by excluding the marks of the personality test as a result of which the candidate who obtained higher marks before personality test got the appointment and the candidate who got high marks in total of the personality test was deprived of the appointment. Secondly, SSC did not follow Rule 12 (9) of the Recruitment Rules and had given recommendation to the lower ranked candidates without considering the seniority of age according to date of birth, if more than one candidate obtained the same aggregate marks in total.

24. Mr. Chowdhury has contended that, in similar circumstances the High Court had from time to time passed orders that higher ranked candidates in terms of Rule 12 (7)

were legally entitled to get appointments. Subsequently SSC had admitted their mistakes and gave appointments to the candidates those who were deprived. He has relied upon orders passed in WPA 1310 of 2019 and WPA 5406 of 2022 in this regard.

25. Referring to the affidavit of SSC that, out of 183 candidates in rank jump issue, 122 candidates were removed by SSC, Mr Chowdhury has submitted that, the fact is that 122 candidates recommended did not join the post and as such removal of such a candidate by the SSC is gross suppression of fact.

26. Mr Chowdhury has contended that, SSC acted in violation of Rule 12 (7) of the recruitment Rules. The method of categorisation as has been spoken about by SSC does not find place or support by any Rules. Such a method permits a lower meritorious candidate to obtain appointment over a better candidate. Such a course of action should not be countenanced.

27. Mr. Chowdhury has contended that, the entire selection process conducted by SSC by not publishing the interview list, merit list and panel separately in terms of Rule 2 (e), (f) and (g) of the recruitment Rules in each and every

stage of the selection process violated the Rules. Moreover, SSC did not declare the cut off marks subject-wise and category -wise before the personality test in terms of Rule 12 (6). SSC had prepared the panel without considering the total marks obtained by the candidates by following Rule 12 (7) and as a result, lower meritorious candidates got appointment and higher meritorious candidates were deprived. Appointment had been given without taking into consideration the marks of the personality test by following Rule 12 (6) and the seniority according to age by following Rule 12 (9) of the recruitment Rules at the time of preparation of the panel. SSC did not publish the final answers key as a result of which the candidates were unable to ascertain the marks granted for the right answers. Before counselling the entire vacant post of the schools was not declared and as a result the higher rank and higher meritorious candidates had been deprived from getting opportunity to choose their schools nearest to their residence. SSC had failed to declare vacancy as per the ratio of 1:1.4.

28. Mr. Chowdhury has referred to the order dated July 12, 2018 passed in AST No. 49 of 2018. He has pointed out that list of successful candidates was published on August 20, 2018 without the details of the candidates and without

breakup of the marks obtained by the candidates. He has contended that, the panel published in terms of the order dated May 12, 2022 passed in WPA 19580 of 2021 was without complying with the provisions of Rule 12 (7) and Rule 12 (9) of the recruitment Rules 2016. In support of his contentions, Mr. Chowdhury has relied upon ***2011 Volume 12 Supreme Court Cases 85 (Bedanga Talukdar vs. Saifudaullah Khan and Others)***, ***2008 Volume 3 Supreme Court Cases 512 (K. Manjusree vs. State of Andhra Pradesh and Another)***, ***2001 Volume 10 Supreme Court Cases 51 (Maharashtra State Road Transport Corpn. And Another vs. Rajendra Bhimrao Mandve and Another)*** and ***2013 SCC OnLine Cal 5639 (Alo Basak vs. The State of West Bengal & Ors.)***, and ***2023 SCC OnLine SC 1408 (Amitava Sengupta vs. Malati Saha)***.

Contentions of CBI

29. Mr. Dhiraj Trivedi, learned Deputy Solicitor General appearing for CBI has referred to the final report of the CBI dated February 5, 2024 as also to the report dated January 16, 2024. He has submitted that, CBI concluded the investigations and submitted chargesheet against the accused

persons before the Jurisdictional Court. He has contended that, there was widespread manipulation in the selection process.

Contentions of SSC

30. Dr. Sutanu Patra appearing for the School Service Commission has referred to the four affidavits filed pursuant to the order of this Court. He has drawn the attention of the Court to the steps and measures that SSC took subsequent to the discovery of the illegalities in the selection process. He has contended that, SSC took such steps on the basis of the data supplied by CBI. He has pointed out that, SSC had no material to disbelieve the data supplied by CBI. Moreover, SSC had acted pursuant to the orders of the Court.

31. Dr. Patra, on the aspect of categorisation, has referred to the various provisions of the Rules and contended that, the list was prepared and published in the web site on the understanding of the categorization process as prescribed by the Rules. He has contended that, such categorisation was uniformly applied for all the candidates. He has pointed out that, pursuant to orders passed by the Court subsequently, the process for categorisation was altered. However, prior to

such orders being passed by the Court, as there was no judicial pronouncement, SSC had categorised the various candidates in accordance with what SSC understood of the provisions of categorisation as laid down in the rules.

32. Dr. Patra has drawn the attention of the Court to the fact that 7 phases of counselling were held within the validity period of the panel. The 8th phase of counselling had been held after the expiry of the panel.

33. In response to the queries of the Court, Dr. Patra has submitted that, should the Court direct evaluation of the OMR sheets afresh, then, SSC would be in a position to do so. However, the same would require considerable amount of time. In response to another query of the Court, he and the Chairman of SSC, who was directed to be present in Court, stated that, SSC did not have any knowledge of the appointment of M/s. Data Scantech Solutions by M/s. M/s NYSA. SSC does not have any records with regard to the appointment of M/s. Data Scantech Solutions.

34. Dr. Patra has referred to the quantum of declared vacancy and the recommendations made. He has also pointed out that, certain recommendations were made after the expiry

of the panel and that, appointments were given to candidates who were not even in the panel.

Contentions of Selected Candidates of Group-D

35. Mr. Kalyan Bandopadhyay learned Senior Advocate appearing for some candidates who had secured appointments in Group D has referred to a list of dates. From such list of dates, he has pointed out that, Rules of 2009 which governs such selection process, were notified on June 9, 2009. The notification for the 3rd regional level selection test for recruitment of non-teaching staff 2016 had been published on August 9, 2016. Written examination in that regard had been held on February 19, 2017. His clients had appeared for verification of the documents and credentials and for personality test on August 19, 2017. Final result had been published on November 6, 2017. Panel of successful candidates had been published on November 6, 2017. His clients had been called for first phase of counselling in February 2018. His clients had been recommended for appointment on February 21, 2018 and May 11, 2018. Appointment letters had been issued to his client on June 4, 2018. By an order dated March 28, 2019, learned single

Judge had directed SSC to opt out the district by counseling in compliance of the requirement of Rules 14 (13) and 15 of the 2009 Rules. He has pointed out that, the panel and waitlist in relation to the 2016 recruitment for the post of Group D staff had expired on May 4, 2019 which was notified by SSC on September 2, 2019. SSC had published revised panel in compliance with the order dated March 28, 2019 on May 20, 2019. He has pointed out that on November 22, 2021, 4 unsuccessful candidates who were placed in the waiting list had filed WPA 18585 of 2021 for setting aside of the memo dated September 2, 2019 and appointment to the post of Group D. By an order dated November 25, 2021, High Court had directed stopping of the salary of the Group D employees who were being investigated until further orders. His clients were not being investigated into. He has pointed out that there was another order dated February 19, 2022 passed by the High Court in WPA 12266 of 2021. He has also pointed out that between the period April 2022 and August 2022 services of some of his clients were confirmed by the Secretary of the West Bengal Board of Secondary Education. The learned single Judge had passed an order dated September 20, 2022 in WPA 12266 of 2021 observing that

persons who were illegally appointed should resign failing which strict orders would be passed. On November 22, 2022, a list titled Final Panel under 3rd RLST 2016 had been published by SSC containing the names, roll numbers, marks and ranks of the successful participants according to the respective districts. CBI had filed an affidavit on December 6, 2022 stating that OMRs were scanned by M/s NYSA. On December 22, 2022, CBI had supplied a chart containing names of 1,698 persons who according to CBI could have been illegally appointed to the post of Group D. He has submitted that out of 1,698 persons disclosed by CBI, 1,694 were given appointments. High Court had directed SSC to upload the 1,694 names on the website with the intimation of the pendency of the writ petition. By an order dated February 9, 2023 passed in WPA 18585 of 2021 the High Court had directed SSC to take steps in respect of 2,819 candidates whose OMR sheets were found by CBI in the M/s NYSA hard disks and which according to CBI was manipulated. By an order dated February 10, 2023, the learned single Judge had directed SSC to cancel the recommendation of 1,911 candidates and directed such candidates to refund their salary. The learned Single Judge had held that, such

candidates were not required to be heard since the publication of OMR sheets demonstrated the manipulations and discrepancies. The learned single Judge had also directed SSC to declare 1,911 post as vacant and give recommendation to the waitlisted candidates. By a letter dated February 10, 2023, the Chairman of SSC had cancelled the recommendation letters issued to 1,911 Group D candidates in connection with the 3rd Regional Level Selection Test (NT) 2016 which included his clients. West Bengal Board for Secondary Education had also cancelled the appointment letters of his clients on February 10, 2023. Notification for counselling for recruitment to the post had been published on February 10, 2023. SSC had issued a tentative list of candidates in such counselling on February 11, 2023. In appeals directed against the orders dated February 9, 2023 and February 10, 2023, the Division Bench had stayed the part of the order dated February 10, 2023 directing refund of the salary and refused to grant any other stay on February 16, 2023. On a Special Leave Petition directed against the order dated February 16, 2023, the Supreme Court on May 1, 2023 had stayed the orders of the High Court. By the order dated November 1, 2023, the Supreme Court had directed hearing of all writ

petitions and appeals by a Division Bench afresh with the direction that all earlier findings on the issue should be ignored. Division Bench constituted specially in terms of such order had by an order dated December 6, 2023 allowed the application of his clients for being added as party respondents to the writ petition. SSC had filed its first report in the form of an affidavit on December 12, 2023. SSC had filed its 2nd report in the form of an affidavit of December 18, 2023. SSC had filed its 3rd report in the form of an affidavit on December 20, 2023. SSC had filed its 4th report in the form of an affidavit on January 5, 2024 wherein additional documents were furnished. On January 9, 2024 CBI had filed a comprehensive status report disclosing the names of persons against whom they filed chargesheet after investigation into the selection processes. His clients had filed an exception to the comprehensive status report of the CBI as also to the reports filed by the SSC. CBI had filed an affidavit on January 16, 2024 in compliance with the order dated January 15, 2024 disclosing the alleged certificate under Section 65B of the Indian Evidence Act, 1862 dated September 16, 2022. His clients had filed an exception to the affidavit of the CBI dated January 16, 2024 on January 18, 2024. He has pointed out

that, CBI filed an affidavit in compliance with the order dated January 24, 2024 which stated that the job of scanning of OMR was sub- delegated by M/s NYSA to M/s Data Scantech Solutions.

36. Mr. Kalyan Bandopadhyay has submitted that, till the date of the personality test, all the candidates including the writ petitioners did not raise any objection with regard to the selection process. Writ petitioners had participated in the selection process with their eyes open. Even on November 6, 2017 when the result of the 3rd RLST was published, and the respondents had become successful candidates, the writ petitioners did not challenge such result. After 3 years of the successful candidates having joined their respective posts was WPA 18585 of 2021 filed. According to him, the writ petition was hit by delay and laches and that, the learned single Judge could not have entertained the writ petitions. None of the present respondents had been made parties in such writ petitions and therefore the point of maintainability on the ground of delay could not be agitated at an earlier point of time. He has contended that, in terms of the order dated November 9, 2023, the Hon'ble Court may be placed to decide the point of maintainability on the ground of delay and laches

and that, unsuccessful candidates cannot challenge the selection process after participating in the selection.

37. Mr. Kalyan Bandopadhyay has submitted that, the writ petition did not contain any prayer for setting aside or cancelling the entire selection process including the selection of the successful candidates. According to him, since the writ petitioners did not seek such relief setting aside the selection process would be beyond the scope of the writ petition. He has referred to the pleadings of the writ petition and contended that, the pleadings in the writ petition are vague.

38. Mr. Kalyan Bandopadhyay has contended that, the writ petitions should be considered in terms of the order dated November 9, 2023 of the Supreme Court. He has pointed out that, the High Court should examine the admissibility of the OMR sheet images recovered by the CBI before placing full-scale reliance on them and directing termination of services of concerned candidates. The question of maintainability had been kept open to the decided. Supreme Court had observed that, the proceedings have strong attributes of a public interest litigation. Direction for uploading the OMR sheet can only be passed after deciding on the admissibility of the recovered data in terms of the prevailing Rules of evidence.

39. Mr. Kalyan Bandopadhyay has submitted that, the burden of proof is on the CBI to establish the genuineness of the OMR on the basis of the established principles of law and not on the basis of preponderance of probability. He has referred to the report of the SSC filed by the affidavit affirmed on December 18, 2023 in this regard. He has contended that, SSC found mismatch only because the OMR sheets recovered by CBI was directed to be looked into by the Court. He has referred to the order dated June 24, 2022 passed by the learned single Judge in WPA No. 8059 of 2022. He has contended that, the marks stored in the server were uploaded and thereafter merit list was published. He has pointed out that, the position of all successful candidates in the merit lists published in terms of the order dated June 24, 2022 was the same as the merit list published in terms of the order of the High Court on May 20, 2019 or November 6, 2017. He has contended that, therefore there is no question of any irregularity and/or illegality in preparing the merit list. Moreover, none of the writ petitioners had ever questioned the legality and/or validity of the merit lists.

40. Mr. Kalyan Bandopadhyay has contended that, his client filed an exception to the report filed by SSC affirmed on

January 15, 2024. In such exception, his clients have contended that, SSC proceeded on the basis of OMR sheets supplied by CBI. He has contended that, the uploaded version has lost its force in view of the subsequent order of the Supreme Court dated November 9, 2023.

41. Mr. Kalyan Bandopadhyay has contended that, it will be evident from the report of the CBI submitted on December 7, 2022 in WPA 13700 of 2021 that scanning of all original OMR sheets was done at the office of SSC by M/s. NYSA. The hard disks had been seized from an ex-employee. He has pointed out that, from paragraph 4 of the affidavit affirmed by CBI on February 5, 2024 that, M/s NYSA had appointed another entity. He has contended that, the report of CBI was misleading and that they were taking different stands.

42. Referring to the alleged certificate under Section 65B of the Evidence Act, 1872 Mr. Kalyan Bandopadhyay has contended that, the same did not fulfil the requirements of Section 65B of the Evidence Act, 1872. The person who has given the certificate was not in charge of the operations in respect of the recruitment examination conducted by SSC. Such person had no lawful control over the computer in terms of Section 65B (2) (a) of the Evidence Act, 1872. The alleged

hard disks seized cannot be said to be computer as understood in Section 65B (2) of the Evidence Act, 1872. He has pointed out that, in absence of the definition of computer in the Evidence Act itself, general meaning of computer has to be taken. He has contended that, requirements as mentioned in Section 65B (2) and (4) of the Evidence Act, 1872 are completely absent in the alleged certificate. The alleged certificate had been issued from a completely different company. The person did not hold any sensitive or key position in M/s NYSA. He has referred to ***2020 Volume 7 Supreme Court Cases 1 (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and Others)*** in support of his contentions. He has also pointed out that CBI filed a chargesheet against Mr. Pankaj Bansal who had given the alleged certificate and therefore, he cannot be relied upon.

43. Mr. Kalyan Bandopadhyay has referred to Section 45A of the Evidence Act, 1872 and contended that, since the Court is required to form an opinion in respect of the matter where information was stored in a computer, the examiner of electronic evidence as contemplated in Section 79A of the Information Technology Act is a relevant fact. He has referred to circulars issued in this regard.

44. Mr. Kalyan Bandopadhyay has contended that, Section 45B of the Evidence Act, 1872 puts safeguards for the accused person in place in view of the fact that the electronic device may be misused by an investigating agency. He has contended that right to fair trial is a constitutional right protected under Article 21 of the Constitution. Moreover, SSC cannot cancel an appointed employee recommendation without providing an opportunity of hearing to the affected person. The right of hearing of the affected person is inbuilt in view of the fact that the principles of natural justice have not been excluded under the recruitment Rules.

45. Mr. Kalyan Bandopadhyay has contended that SSC has already destroyed the OMR after one year from the date of publication of the panel.

46. Mr. Kalyan Bandopadhyay has relied upon ***2002 Volume 1 Supreme Court Cases 113 (State of Punjab vs. Raghbir Chand Sharma and Another)***, ***2009 Volume 4 Supreme Court Cases 555 (Mohd. Sohrab Khan vs. Aligarh Muslim University and Others)***, ***1997 Volume 8 Supreme Court Cases 488 (Surinder Singh and Others vs. State of Punjab and Another)***, ***1996 Volume 2 Supreme Court Cases 7 (State of Bihar and Others vs. Md.***

Kalimuddin and Others, ***2006 Volume 8 Supreme Court Cases 686 (Union of India and Others vs. B. Valluvan and Others)*** on the aspect of panel. On the aspect of delay, he has relied upon ***1975 Volume 4 Supreme Court Cases 285 (Aflatoon and Others vs. Lt. Governor of Delhi and Others)***, ***2022 Volume 2 Supreme Court Cases 25 (Union of India vs. N. Murugeshan and others)*** and ***2014 Volume 4 Supreme Court Cases 108 (Chennai Metropolitan Water Supply and Sewerage Board and others)***. On the contention that unsuccessful candidates cannot challenge the selection process and that a Court should not take a microscopic view he has relied upon ***2008 Volume 4 Supreme Court Cases 619 (Sadananda Halo and others vs. Momtaz Ali Sheikh and others)***, ***2020 Volume 2 Supreme Court Cases 173 (Anupal Singh and others vs. State of Uttar Pradesh and others)***, ***1995 Volume 3 Supreme Court Cases 486 (Madan Lal and others vs. State of J & K and others)*** and ***2011 Volume 1 Supreme Court Cases 150 (Vijendra Kumar Verma vs. Public Service Commission, Uttarakhand and others)***. On the aspect that the relief cannot be granted beyond the scope of the writ petition, he has relied upon ***2000 Volume 2***

Supreme Court Cases 439 (Commissioner, Bangalore Development Authority vs. S. Vasudeva and others) and ***2012 Volume 5 Supreme Court Cases 297 (State of Jharkhand and others vs. K.N. Farms and Industries Private Limited)***. On the applicability of Section 65B of the Evidence Act, 1872 he has relied upon ***2020 Volume 7 Supreme Court Cases 1 (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and others)***. On the aspect of Section 45A of the Evidence Act, 1872 he has relied upon ***2021 SCC OnLine Bom 354 (Yogesh Arun Wakure vs. State of Maharashtra and another)***. With regard to the evidentiary value of a report of the CBI, he has relied upon ***2007 Volume 1 Supreme Court Cases 110 (M.C. Mehta (Taj Corridor Scam) vs. Union of India and others)***, ***2022 Volume 12 Supreme Court Cases 200 (Rajesh Yadav and another vs. State of Uttar Pradesh)*** and ***2009 Volume 5 Supreme Court Cases 528 (Syed Askari Hadi Ali Augustine Imam and another vs. State (Delhi Administration) and another)***. On the aspect that chargesheet is not a public document, he has relied upon ***2023 SCC OnLine SC 58 (Saurav Das vs. Union of India and others)***. With regard to the civil consequences and

applicability of natural justice, he has relied upon ***1978 Volume 1 Supreme Court Cases 405 (Mohinder Singh Gill and Another vs. The Chief Electioner Commissioner, New Delhi and Others)***. He has contended that, post decision hearing will not cure the lack of hearing on the breach of principles of natural justice, and relied upon ***1989 Volume 1 Supreme Court Cases 764 (H.L. Trehan and others vs. Union of India and others)*** and ***1987 Volume 4 Supreme Court Cases 431 (K.I. Shephard and others vs. Union of India and others)*** in this regard.

Contention of added Respondents

47. Mr Pratik Dhar learned senior advocate appearing for some of the added respondents in WPA 13700 of 2021 and representing the applicants in CAN 22 of 2023 filed therein, has submitted that, point of maintainability remains open. According to him, in addition to the issue of maintainability, the order dated November 9, 2023 of the Supreme Court requires the Division Bench to examine the admissibility of the OMR sheet images. According to him, allegations of manipulations have to be established by cogent evidence. Supreme Court has directed the Court to ignore the findings

of the earlier Division Bench on Rule 17 and to decide such matter afresh. Court may consider issuing directions to upload the CBI recovered OMR sheet only after the authenticity of the images have been established after applying the prevailing Rules of evidence. CBI has also been directed to submit its report.

48. Mr. Pratik Dhar has submitted that, the writ petition is not maintainable on the ground of delay. He has referred to the list of dates. He has contended that, the writ petition was filed after a lapse of 4 years 10 months from the date of the examination, 3 years 6 months from the publication of final panel and at 1 year 8 months from the date of expiry thereof. According to him, the writ petitioners having participated in the selection process and being unsuccessful therein is not entitled to maintain a writ petition particularly in view of the delay. In support of such contention, he has relied upon ***2013 Volume 11 Supreme Court Cases 309 (Ramesh Chandra Shah and others vs. Anil Joshi and others), 2022 Volume 1 Supreme Court Cases 294 (Mohd. Mustafa vs. Union of India and others), 2017 Volume 9 Supreme Court Cases 478 (D. Sarojakumari vs. R. Helen Thilakom and Others)***

and ***2019 Volume 19 Supreme Court Cases 633 (Union of India and Others vs. C. Girija and Others).***

49. Mr Dhar has contended that, the writ petitions do not contain any pleadings with regard to the alleged wrongdoings. He has contended that the writ petitions do not contain any prayer for setting aside the entire selection process. Consequently, according to him, the writ petitioners are not entitled to any relief. In support of such contentions, he has relied upon ***2003 Volume 8 Supreme Court Cases 40 (V. K. Majotra and others vs. Union of India and others)*** and ***2011 Volume 14 Supreme Court Cases 243 (State of Jammu and Kashmir and others vs. Ajay Dogra).***

50. On the interpretation of Rule 17, Mr Dhar has contended that, power given therein is limited. According to him, the moment appointment is made, such power gets extinguished. Withdrawal of recommendation cannot be equated with withdrawal of appointment. He has referred to Rule 17 and contended that, power to withdraw recommendation can at best be till the appointment. Moreover, once a teacher is appointed, such teacher is governed under separate Rules namely West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct

and Discipline of Teacher and Non-Teaching Staff) Rules, 2018. Rule 17 cannot have overriding effect over the Rules of 2018. Moreover, Rule 17 does not have principles of natural justice built into it and therefore, interpreting Rule 17 as a power to terminate the appointment particularly when other Rules exist for suspension, dismissal and conduct of a teacher should not be done. According to him, SSC becomes functus officio upon making the recommendation. In support of such contentions, he has relied upon ***2006 SCC OnLine Cal 708 (Rama Bandyopadhyay vs. State of West Bengal and others), 2012 SCC OnLine Cal 1860 (Ayesha Khatun vs. State of West Bengal and others), 2005 SCC OnLine All 1341 (Dr. Ravi Shankar Pandey vs. State of U.P. and others)*** and ***2011 SCC OnLine J & K 49 (Renu Bala vs. State of J & K and others).***

51. Mr Dhar has contended that, Rule 17 cannot be invoked since, SSC is proceeding on the basis of error whereas, CBI has alleged manipulation/corruption. According to him, both cannot go together. On such issue, he has relied upon ***2011 Volume 10 Supreme Court Cases 420 (Cauvery Coffee Traders, Mangalore vs. Hornor Resources (International) Company Limited)***. On the issue of post

decisional hearing cannot cure the inherent defect of not hearing an affected party on the principles of natural justice, he has relied upon ***1989 Volume 1 Supreme Court Cases 764 (H.L. Trehan and others vs. Union of India and others)*** and ***1986 Volume 4 Supreme Court Cases 537 (Institute of Chartered Accountants of India vs. L.K. Ratna and others).***

52. Mr Dhar has contended that, four conditions must be satisfied for a certificate to be valid under Section 65B of the Evidence Act. According to him such four conditions are that, the person giving the certificate must have lawful control as opposed to exclusive custody, the data must be regularly fed and in ordinary course of activity. Moreover, it has to be established that the computer was operating properly and that, the information which was ultimately reproduced was what was fed into the computer in ordinary course of activity. He has contended that, the alleged certificate does not allude to the person giving the certificate having lawful control or having regularly fed the data in the ordinary course of activity or the computer operating properly. Consequently, the so called certificate should not be admitted into evidence. The certificate must have such details and that such details

cannot be filled up by an affidavit of someone else. Moreover, the alleged certificate was not given by an ex-employee of M/s NYSA. In support of such contentions, he has relied upon ***2014 Volume 10 Supreme Court Cases 473 (Anvar P.V. vs. P.K. Basheer and others), 2020 Volume 7 Supreme Court Cases 1 (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and others), 2023 Volume 3 Supreme Court Cases 654 (Mohd. Arif alias Ashfaq vs. State (NCT of Delhi)*** and ***2022 Volume 7 Supreme Court Cases 581 (Ravinder Singh alias Kaku vs. State of Punjab).***

53. Mr. Dhar has contended that, scanned copy of OMR sheets cannot be in .Dat format. According to him, some other software had been used to put it into .Dat format. Therefore, the data available in the hard disks is processed data and not the scanned images of OMR sheets as initially claimed by CBI. Moreover, matching of Hash value requires the same file format. Consequently, the materials allegedly seized by CBI should not be relied upon.

54. Mr. Mukul Lahiri learned senior advocate appearing on behalf of respondent No. 643 to 645 and applicants in CAN 8 of 2024 filed in WP No. 12270 of 2021 has contended that, his clients come from poor and humble background. His clients

had participated in the selection process and fulfil the prescribed requirements. His clients had never made any misrepresentation. He has pointed out that, his client received the appointment after following the due process. Board of Secondary Education had published an order dated March 11, 2023 stating that appointment of 785 of Group C candidates stood cancelled. Names of his clients had appeared in such list. He has contended that, his clients were not parties to the writ petition in which an order dated March 10, 2023 was passed. He has pointed out the prayers made in the writ petition and contended that, there was no prayer for setting aside the selection process. His clients upon coming to know of the orders dated December 21, 2022 and March 10, 2023 passed in the writ petition applied for being added as party respondents to the writ petition.

55. Mr. Mukul Lahiri has contended that, the hard disks and pen drives which CBI has seized cannot be admitted in evidence. In support of such contentions, he has relied upon ***2014 Volume 10 Supreme Court Cases 473 (Anvar P.V. vs. P.K. Basheer and others)*** and ***2020 Volume 7 Supreme Court Cases 1 (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and others).***

56. Referring to the reports of the CBI, Mr Mukul Lahiri has contended that, the last affidavit dated February 5, 2020 of CBI is self-contradictory in nature and no reliance can be placed on it. He has pointed out that, going by the affidavit of CBI then, scanning job was made by another entity namely M/s Data Scantech Solutions. Evaluation had been done by M/s NYSA and that there is no allegation to the contrary.

57. Mr Lahiri has contended that, all original OMR sheets have been destroyed by the SSC. Hence any basis for evaluation of OMR sheets has been lost. What remains in the records of SSC is the polluted and contaminated data supplied from the hard disks by Mr. Pankaj Bansal. Therefore, it is not possible for SSC to arrive at any definite conclusion regarding the alleged manipulation of the evaluation of OMR sheets for the examination results. Distinguishing ***A. Kalaimani and others (supra)*** cited on behalf of the petitioners he has contended that, in that case, the original records of selection and answer sheets were available unlike the present case. He has adopted the submissions of other learned advocates appearing for other similarly placed parties.

Contention of Writ Petitioners in WPA 7370 of 2023

58. Mr Anindya Kumar Mitra learned senior advocate appearing for the writ petitioners in WPA 7370 of 2023 has submitted that, his clients sought a declaration that Rule 17 of the West Bengal School Service Commission (Selection of Appointment to the Post of Teachers for Class IX and X in Secondary and Higher Secondary Schools) Rules, 2016 is ultra vires. He has contended that the writ petitioners participated in the selection process initiated by the notification dated September 23, 2016. They have been duly appointed. They had worked for about 3 years. Without giving opportunity of hearing, suddenly by administrative order dated March 1, 2023 in respect of 618 teachers and March 3, 2023 in respect of 157 teachers the recommendations issued to the petitioners and similarly circumstanced persons were withdrawn. He has contended that, Rule 17 of the Rules of 2016 is ultra vires and arbitrary on the grounds that it violates the principles of natural justice and Article 14 of the Constitution of India. Such Rule does not contemplate granting opportunity of hearing to the persons against whom SSC has contemplated to cancel or withdraw the recommendation invoking Rule 17.

59. Mr Mitra has contended that, after the recommendation has been issued under Rule 17 and acted upon by giving appointment, the recommendation ceased to exist as it merges with the appointment. SSC then becomes functus officio and loses power to withdraw the recommendation it had made. In support of such contentions, he has relied upon ***2010 (1) CLJ 518 (Mridula Ghosh and another vs. State of West Bengal and others).***

60. Without prejudice to the aforesaid contentions, Mr Mitra has contended that, if SSC decides to withdraw recommendation at any stage after the appointment, such action has to be made contemporaneously and within the validity period of the panel so that the commission is in a position to take steps to fill up such post from the waiting list within the validity period of the panel and the waiting list. In the facts of the present case, the panel and the waiting list had expired one year after their publication, on August 28, 2018 and as such Rule 17 could not have been validly invoked.

61. Mr Mitra has contended that, in accordance with Rule 16 (3) of the Rules of 2016, recommendations made by SSC remains valid initially for 90 days and if extended till 60 days.

This validity period of the recommendation ends when the appointment is made. Thus there cannot be any ad infinitum extension of validity of the recommendations issued under Rule 17 by which SSC retains the power to withdraw the recommendation of the teacher till he retires from service. Recommending body cannot have power of withdrawal after the recommendation has merged into the appointment.

Contentions of Appellants in MAT 274 of 2023 and MAT 443 of 2023

62. Mr Anindya Kumar Mitra, learned senior advocate has also appeared on behalf of Group D appointees who had preferred appeal being MAT No. 274 of 2023 and appointees of Group C who had preferred appeal being MAT No. 443 of 2023. On behalf of such clients, he has contended that, in respect of all the 4 categories, no dispute or complaint regarding due publication of the final list stored in the server of SSC has been raised in the writ petitions filed by the unsuccessful candidates. Moreover, the successful candidates have not been impleaded therein.

63. Mr Mitra has contended that, the order dated November 9, 2023 of the Supreme Court does not permit all

matters that have been listed before the Division Bench to be heard by the Division Bench. He has contended that, only those matters which have been remitted by the order dated November 9, 2023 can be heard by the present Division Bench and that, this Division Bench has no jurisdiction to hear any of the writ petitions moved by the clients of Mr Ashish Chowdhury, advocate.

64. Mr Mitra has referred to the order dated November 9, 2023 passed by the Supreme Court and contended that, the core issues involved are whether the OMR sheets received by CBI from Mr Pankaj Bansal are admissible in evidence and their authenticity has been established by applying the prevailing rule of evidence or not. If the answer is in the negative, then, can those OMR be uploaded in the server of SSC to compare with the final list stored therein and can any reliance be placed upon them to terminate service of any employee. Moreover, whether, revocation of recommendations under Rule 17 by SSC is valid or not is another core issue.

65. Referring to Section 65B of the Evidence Act he has contended that, ***2020 Volume 7 Supreme Court Cases 1, (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and others)*** has laid down that there is difference

between admissibility and reliability of a document. He has referred to various paragraphs of such decision. He has contended that, the person who had issued the certificate was not at all competent to issue the same since, another person who supervising the process of scanning and evaluation for M/s NYSA. Moreover, none of the 3 hard disks had been produced in Court for admission as evidence. Inspection of those hard disks have not been given in spite of the order of the Court. Inspections of OMR sheets have not been given. According to him there is no other cogent evidence to contradict the final merit list available in the server of SSC.

66. On the aspect of withdrawal of recommendation, Mr Mitra has contended that, grounds on which recommendations could be withdrawn under Rule 17 are not available in this case. Withdrawal order has referred to an order of the Court which is not a ground mentioned in Rule 17. Rule 17 in any event applies to Assistant Teacher for class IX and X and not for non-teaching staff where, the applicable rule is Rule 18 of the Rules of 2009. According to him, the withdrawal of recommendations was arbitrary. Rule 18 does not confer any specific power on the regional commission to do away with the name of any candidate from the panel. None

of the affected candidates had been heard prior to the issuance of the order of withdrawal.

67. Mr Mitra has contended that, questions which did not arise out of the pleadings of the parties or mentioned in the impugned order of the single Judge were sought to be raised at the hearing of the writ petitions. He has contended that, Court has no jurisdiction to consider any question which is not covered by the pleadings of the parties. He has contended that, there was no admission on the part of SSC before the learned single Judge and that, the so-called admission was irrelevant. He has contended that there cannot be any estoppel against statute and that, statutory bar under Section 65B of the Evidence Act cannot be overridden.

68. Mr Mitra has contended that so far as the 2nd question which came up for consideration before the Court as to defect in the selection process leading to the preparation of the final list of candidates is concerned, no complaint regarding this regard has been raised in the pleadings nor argued before the learned single Judge. No demands of the irregularity or invalidity in the matter of appointment of M/s NYSA has been raised by CBI. Writ petitioners have not made any grievance regarding the appointment of M/s NYSA,

scanning and evaluation of OMR sheets even after receipt of CBI report. According to him, CBI upon investigation has found nothing wrong with the selection process and uploading of the evaluated marks of candidates prepared by M/s NYSA into the office database namely server of the SSC which was made public on February 5, 2024. Similar is the stand taken by SSC in the affidavit dated February 10, 2023. Thus in absence of any illegality regarding the selection process culminating in preparation of the final list it was not open for the learned single Judge to set aside the appointment of 1,911 members of Group D.

69. Mr Mitra has contended that the 3rd question raised in the course of the hearing, that, the appointment of M/s NYSA was bad as no public tender was issued, should not be considered as, no such case was made out by the parties or by CBI or the SSC. Court cannot consider any point not raised on affidavits particularly in writ proceedings which are tried on affidavits and in support of such contention, he is relied upon ***AIR 1981 SC 588 (S.S. Sharma and others vs. Union of India and others)*** and ***2003 Volume 8 Supreme Court Cases 40 (V.K. Majotra and others vs Union of India and others).*** M/s NYSA is not a party to the proceedings and

cancellation of their appointment would be prejudicial to them. In support of such contention, he has relied upon ***2022 Volume 15 Supreme Court Cases 511 (Acqua Borewell Pvt. Ltd. vs. Swayamprabha and others)***. He has contended that, appointment by tender is not a must and that it is only desirable that appointments are made by tender. Nobody has argued that such appointment is void because of non-issuance of tender. At the highest it can be said that such appointment was irregular but cannot vitiate the selection process.

70. Mr Mitra has contended that the scope of challenge to a selection process is limited. Unsuccessful candidates after participation cannot challenge the selection process and in support of such contention, he has relied upon ***1995 Volume 3 Supreme Court Cases 486 (Madan Lal and others vs. State of J & K and others)*** and ***2008 Volume 4 Supreme Court Cases 619 (Sadananda Halo and others vs. Momtaz Ali Sheikh and others).*** He has contended that, no allegation regarding malpractice or corruption against SSC had been made. No officer of SSC had been named as guilty of malpractice or corruption in the pleadings.

71. Mr Mitra has contended that, principles of natural justice stood violated by the order of the learned single Judge which resulted in the termination of services of the successful candidates. He has contended that, the successful candidates were entitled to a hearing. In support of such contention, he has relied upon ***2008 Volume 4 Supreme Court Cases 619 (Sadananda Halo and others vs. Momtaz Ali Sheikh and others)***.

72. Mr Mitra has contended that, the order dated February 10, 2023 passed by the learned single Judge in WPA No. 18585 of 2021 and the order dated March 10, 2023 passed in WPA No. 12270 of 2023 should be set aside. He has contended that, concept of community guilt is not accepted in India. Court has no jurisdiction to pass any order contrary to the provisions of Article 311 of the Constitution of India.

73. Mr Mitra has contended that, cancelation of the entire selection will not ensure to the benefit of anybody. Court cannot give any appointment to anybody since the waiting list and the panel of all expired long back.

74. Mr Mitra has contended that, the report of the CBI regarding OMR sheet is unreliable. According to him, CBI has not explained why it has not gone to the office of M/s NYSA

and looked into the records maintained by M/s NYSA. What had led CBI to approach an unknown employee of M/s NYSA at Ghaziabad. It is not explained how the hard disks which are properties of M/s NYSA could be at the residence of an ex-employee. Mr Pankaj Bansal has not said and CBI has not found out how any property of M/s NYSA could go out of the office of M/s NYSA. Such deficiencies have made the investigation report of CBI unreliable.

75. Referring to ***2021 Volume 16 Supreme Court Cases 217 (State of Tamil Nadu and Another vs. A. Kalaimani and Others)***, Mr Mitra has contended that, such Judgement has no application to the facts of the present case since, the OMR sheets were available therein which is not the case here.

Contentions of Parties opposing the writ petitions

76. Mr. Jayanta Kumar Mitra learned Senior Advocate appearing for three candidates of Class IX and X comprised in CAN 6 of 2024 filed in WPA 25380 of 2022 has in response to a query of the Court, submitted that, his clients did not take inspection of the documents. He has referred to the orders dated April 12, 2023 and November 9, 2023 of the Supreme Court. He has also referred to the report of the CBI dated December 7, 2022, and the report of Justice Bag Committee

dated December 15, 2022. He has contended that, SSC is unreliable. According to him SSC is a partner in the crime. In this regard he has referred to the final report of the CBI dated February 5, 2024.

77. Mr. Anindya Bose learned advocate appearing for added respondent No. 151 and respondent Nos. 25 to 32 in WPA 13700 of 2021 has contended that, his clients have requisite qualification to receive the appointment. No hearing had been given nor any reasons assigned as to why the appointments had been terminated. It has been wrongfully alleged as against his clients that; his clients received appointment post the expiry of the panel.

78. Mr. Shankar Prasad Dalapati learned advocate appearing for some of the candidates whose names feature in the 952 candidates whose recommendations were withdrawn by SSC pursuant to the orders of the Court, has submitted that, his clients were not involved in any scam. His clients have not been heard or given a chance of being heard before their services were terminated. His clients have not been investigated into by CBI nor have his clients being interrogated. His clients has submitted full-fledged written OMR sheets which did not contain any blank. His clients had

answered all 55 questions. He has contended that, since there is an embargo to re-evaluate OMR sheets by SSC in terms of the first proviso to Rule 12 (8) of the Rules of 2016, the Court ought not to have considered the reports or submissions made by SSC in respect of his clients getting low marks than they have actually secured at the time of evaluation.

79. Mr. Dalapati has contended that, CBI failed to disclose the errors committed by SSC. According to him, the errors which CBI has hinted towards are illegality and corruption and as such Rule 17 cannot be applied. He has questioned the reliance on the OMR sheet images available in the hard disks seized by CBI. He has contended that, the only option left to the Court is to set aside the entire selection process and that Court should direct compensation to be paid to innocent candidates who are not involved in the corruption.

80. Mr Apalak Basu learned advocate appearing for the added respondent No. 6, 7 and 8 in WPA 21665 of 2019 has contended that, his clients secured the appointments fairly. He has contended that, none of his clients jumped the rank as alleged by the petitioners. He has compared the marks obtained by the writ petitioners and his clients. He has contended that SSC categorised the aspirants in accordance

with a declared policy. His client had secured better marks in the academic and professional categories than the writ petitioners and therefore, his clients were entitled to the appointment in preference to the writ petitioners.

81. Mr Apalak Basu has relied upon ***2023 SCC OnLine SC 344 (Tajvir Singh Sodhi and others vs. State of Jammu and Kashmir and others), 2020 Volume 18 Supreme Court Cases 673 (Vishal Ashok Thorat and others vs. Rajesh Shrirambapu Fate and others), 2011 Volume 15 Supreme Court Cases 455 (Sunil vs. State of Maharashtra and others), 2006 Volume 6 Supreme Court Cases 467 (Sanjay Kumar and others vs. Narinder Verma and others), 2017 SCC OnLine Cal 3799 (The State of West Bengal & others vs. Chandra Kanta Ganguli & others)*** in support of his contentions.

82. Mr Anindya Lahiri learned advocate appearing for added respondents in WPA 19278 of 2019, WPA 19273 of 2019, WPA 19749 of 2019, WPA 20776 of 2019 and WPA 20778 of 2019 has contended that, his clients received the appointments in accordance with law. He has referred to Rule 12 (6) of the Rules of 2016 and contended that, the merit list category -wise. He has referred to the various developments

subsequent to the filing of the writ petition. He has contended that, the writ petitions are infructuous in view of the fact that the panel prepared by SSC expired. He has referred to the prayers made in the writ petition. He has contended that unsuccessful candidates cannot challenge the appointments that too after a delay of so many years. He has relied upon ***2006 Volume 6 Supreme Court Cases 467 (Sanjay Kumar and others vs. Narinder Verma and others)*** in support of his contention.

83. Mr Anindya Lahiri learned advocate has also appeared for the appellants in MAT 85 of 2023. He has contended that, the 2016 Rules are not applicable as SSC became functus officio after the recommendation culminated into appointments. Rule 17 of the SSC Rules cannot be invoked as the conditions of service became regulated by the Rules of 2018.

84. Mr Lahiri has contended that, the writ petitions cannot be treated as a public interest litigation as no public interest litigation is maintainable in respect of service matters. In support of such contention, he has relied upon ***2005 Volume 5 Supreme Court Cases 136 (Gurpal Singh vs. State of Punjab and others).***

85. Mr Lahiri has contended that, no negative marks was awarded in the evaluation process. He has contended that, since there was no negative marking there was no logic as to why any candidate would submit blank OMR without attempting the answers. The issue as to the appointment of M/s NYSA and some delegation to M/s Data Scantech Solutions cannot be raised in absence of pleadings and without opportunity to the contesting parties to meet such allegations. He has pointed out that, all candidates in respect of whom, mismatch of numbers were found by CBI were not favoured with appointments. Court has to presume the truth about the server data or the break-up of marks. According to him, re-evaluation is not possible as there is no basis for the same. He has contended that, weeding out the illegalities is possible. So far as inspection of OMR sheets are concerned, he has contended that only one teacher took such inspection. The other teachers who had taken inspection disputed the authenticity, perversity and contents of such OMR sheets. With regard to Section 65B of the Evidence Act, he has reiterated the submissions advanced by other learned advocates.

86. Mr Sudip Ghosh Chowdhury, learned advocate appearing for the added respondents in WPA 5406 of 2022 and applicants in CAN 27 of 2023 has contended that, his clients are working as school teachers in their respective schools being selected through a proper recruitment process. He has contended that, services of his clients should not be disturbed.

87. Mr Prasenjit Debnath, learned advocate appearing for respondent No. 4 in WPA 18355 of 2019 has contended that, his client received the appointment without the alleged rank jumping. He has questioned the maintainability of the writ petition. He has adopted the submissions made by Mr. Kalyan Bandopadhyay learned senior advocate and Mr Pratik Dhar, learned senior advocate.

88. Mr Milan Mukherjee, learned senior advocate appearing for the writ petitioners in WPA 2967 of 2023 has referred to the list of dates. He has submitted that, his client filed the writ petition seeking a declaration that the purported OMR sheets published under the notice dated December 29, 2022 are not conclusive and are subject to proof following due process of law. He has referred to the prayers made in the writ petition.

89. Mr Mukherjee has contended that, till the date of the personality test none of the unsuccessful candidates raised any objection with regard to the selection process or as to any alleged illegality while conducting the same. The unsuccessful candidates had participated in the selection process with their eyes open. Long after the joining of the successful candidates, the writ petitions had been filed by some unsuccessful candidates. He has contended that, such writ petitions filed by unsuccessful candidates were hit by delay and laches. He has reiterated the contentions of the learned counsel appearing for the successful candidates with regard to delay, laches, lack of pleadings and prayers as also admissibility of the OMR sheets.

90. Mr Mukherjee has contended that, the so-called certificate cannot be treated as a certificate under Section 65B of the Evidence Act on the ground that the key person who was looking after the works of M/s NYSA for scanning of the OMR sheets evaluation did not issue the certificate. The person who had issued the certificate did not have lawful control over the computer at all, in terms of provisions of Section 65B (2) (a) of the Evidence Act. The hard disks cannot be said to be a computer as referred to in Section 65B (2) of the Evidence Act. In absence of definition of computer, in the

Evidence Act, general meaning of computer has to be applied. He has contended that requirements of Section 65B (2) and Section 65B (4) are completely absent in the certificate. The certificate was issued by a different company. The certificate was contrary to the law laid down in ***2020 Volume 7 Supreme Court Cases 1 (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and others).*** CBI has failed to obtain a valid certificate. He has reiterated the contentions of Mr. Kalyan Bandopadhyay with regard to Section 45A of the Evidence Act and Section 79A of the Information Technology Act.

91. Mr Mukherjee has contended that, the writ petitions of the unsuccessful candidates are not maintainable. In this regard he has reiterated the contentions of other learned advocates appearing for the successful candidates. He has contended that, burden of proof cannot be shifted upon the in-service candidates.

92. Mr Pramit Ray learned senior advocate appearing for the applicants of CAN 7 of 2014 in WPA No. 18585 of 2021 has contended that, the writ petitions are not maintainable. He has referred to a list of dates on the question of delay. He has contended that, lack of explanation of the SSC regarding

adherence to the Rules cannot take away the employment of his clients in absence of pleadings and proof that any particular candidate misrepresented any facts relating to his or her candidature.

93. Mr Ray has contended that, Regional Commission after recommendation cannot cancel the panel nor can it withdraw the recommendation. He has contended that, the so-called withdrawal of recommendation that too after the expiry of the validity of the panel is not legal.

94. Mr Ray has contended that, records seized by CBI from the residence of Mr. Pankaj Bansal cannot be admitted as evidence. The records stored in the server of SSC should not also be admitted as evidence. In any event, in absence of any pleading or proof that any individual candidate had misrepresented any fact relating to the selection, services of such candidate cannot be terminated. Moreover, his clients had worked for a considerable period of time.

95. Mr Ray has contended that, the so-called certificate is dated September 16, 2022 and that the same was disclosed for the first time by an affidavit of CBI affirmed on January 16, 2024. The late disclosure has clearly indicated that the document was manufactured. CBI could not produce the

records in respect of at least 3 writ petitioners. Therefore, the information collected by CBI is not genuine. He has pointed out that, there are 2 OMR answer sheets produced by CBI in respect of at least one writ petitioner namely Mampi Banerjee. He has highlighted the fact that his clients were denied the right of hearing prior to their services being terminated. He has contended that, SSC has acted in violation of the principles of natural justice.

96. On the aspect of the options available to the Court in these proceedings, Mr Ray has contended that, there can be other alternatives than, dismissing all the writ petitions or cancelling all the appointments or going in for fresh evaluation through the agency of SSC. He has contended that, conduct of SSC does not inspire confidence and therefore the evaluation through SSC will be a travesty of justice. Moreover, since the original materials have been destroyed prior to institution of the proceedings, authenticity of the thing that stood in the server of SSC or the data recovered by CBI is questionable.

97. Mr Jaydip Kar learned senior advocate appearing for the appellants in MAT 557 of 2023 arising out of WPA 5953 of 2023 has contended that his clients, numbering 33 assistant teachers for class IX and X were not parties to the writ

petition. He has referred to the sequence of events leading to the order dated November 9, 2023. He has contended that, evidence produced by CBI on OMR sheets are not admissible in evidence. The purported certificate issued under Section 65B of the Evidence Act is not in compliance of Section 65B. He has contended that certification and contents are not in compliance with Section 65B and in support of such contentions, he has relied upon ***2020 Volume 7 Supreme Court Cases 1 (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and others), 2021 Volume 12 Supreme Court Cases 289 (Smriti Madan Kansagra vs. Perry Kansagra)*** and ***2022 Volume 7 Supreme Court Cases 581 (Ravinder Singh alias Kaku vs. State of Punjab).***

98. Mr Kar has contended that, SSC in their affidavit did not admit the genuineness or authenticity of the OMR sheets, in their affidavit. SSC had taken steps pursuant to orders of Court. He has contended that, in order to construe a statement made by a party as an enforceable admission, the admission should be unequivocal. Such admission has to be taken as a whole, the admission must not be conditional and that there can be no admission contrary to the statutory

provisions. In support of such contentions, he has relied upon ***1877 ILR 2 Cal 23 (The Queen vs. Bholanath Sen).***

99. Mr Kar has referred to Section 58 of the Evidence Act and contended that, facts need not be proved does not apply in the case of secondary electronic evidence. Section 3 of the Evidence Act has excluded electronic evidence. Section 65B of the Evidence Act is the only mandatory provision by which secondary electronic evidence can be brought on record and proved.

100. Mr Kar has contended that, nullifying the entire recruitment process will be against public interest as students in schools will suffer because of such mass scale termination of service of teachers. He has contended that, irregularity does not vitiate the recruitment process because the same was not an illegality. The portion of the candidates who have been selected on their own merits cannot be made victim of mistakes/irregularities on the part of SSC if at all there were any irregularities or mistakes. In any event, State government has stepped in and suggested amelioration by creating supernumerary post to the candidates who have suffered in the selection process by these alleged mistakes/irregularities. Cabinet has approved creation of supernumerary post.

101. Mr Anirban Sen, learned advocate appearing for respondent Nos. 691 and 692 in WPA 5406 of 2022 and applicants in CAN 29 of 2024 has submitted that, Section 65B was inserted into the Evidence Act in 2000 when digital devices did not make its foray into the Indian legal system. He has pointed out that Section 65B finds its place under Chapter V pertaining to proof of documentary evidence and after the Sections of primary evidence, secondary evidence and when secondary evidence may be given. He has contended that Section 65B is a mechanism introduced to authenticate emails, website, etc in a Courtroom which was at that time without substantial computerisation. According to him, the rationale behind Section 65B is to have a human being who takes responsibility for mainly printing an existing electronic record. Such person certifies and stands by such record vouching for the authenticity and correctness of the transformation from the digital record to a physical document. In support of such contentions, he has relied upon ***2020 Volume 7 Supreme Court Cases 1 (Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and Others)***.

102. Mr Sen has contended that, Section 65B (2) of the Evidence Act list out various conjunctive conditions to be met

which are also mandatory. He has contended that, in the facts and circumstances of the present case, such mandatory provisions have not been met.

103. Mr Sen has contended that, the chain of custody of the digital evidence is necessary to establish that the digital evidence being supplied/used was really from the same source to be believed, and not a substituted/false source. He has pointed out that the order dated November 9, 2023 of the Supreme Court requires this Court to decide on both the issue of admissibility as also authenticity of the OMR data. According to him, whereas the point of admissibility requires a Section 65B certificate the requirement of authenticity demands hash value/MD5 fingerprint of the created electronic record to be matched with the last electronic record in the entire chain on data transfers. He has contended that, neither of the conditions stand satisfied.

104. Mr Dilip Kumar Maiti learned advocate appearing for respondent Nos. 363 to 408 and 803 in WPA 18585 of 2021 has adopted the submissions of the learned advocates opposing Mr Bikas Ranjan Bhattacharya.

105. Mr Biswaroop Bhattacharya learned advocate appearing for 76 added respondents in WPA 5406 of 2022 has

contended that, his clients were given appointments to the post of assistant teachers in classes XI and XII. He has pointed out that the writ petitioner in WPA 5406 of 2022 is an unsuccessful candidate who was placed in the waiting list panel of the selection process. Such waiting list panel had expired on May 4, 2019. He has reiterated the contentions with regard to maintainability of the writ petition. He has also reiterated the contentions with regard to Evidence Act as also Information Technology Act advanced on behalf of similarly circumstanced persons. He has relied upon ***AIR 1964 SC 1006 (State of Madhya Pradesh and another vs. Bhailal Bhai and others), 2008 Volume 2 Supreme Court Cases 479 (Nehru Yuva Kendra Sangathan vs. Mehbub Alam Laskar),*** and ***2008 Volume 7 Supreme Court Cases 788 (Atma Linga Reddy and others vs. Union of India and others)*** in support of his contentions.

106. Mr Pushpal Chakraborty learned advocate appearing for the petitioners in WPA 4556 of 2023 has submitted that the writ petitioners filed the petition praying for consideration to initiate new/fresh process for filling up the present and anticipated vacancies by adopting the established procedures.

He has contended that, a wait list cannot be a perennial source for recruitment.

107. Mr Sakti Pada Jana learned advocate appearing for the added respondent and applicant in CAN 1 of 2022 and CAN 18 of 2023 filed in WPA 13700 of 2021 has submitted that, his clients did not jump the rank as wrongfully alleged. He has contended that, due to the wrongful action of the SSC in recommending 8 candidates and OMR sheets being allegedly manipulated, his clients cannot be deprived of the appointment.

108. Mr Shuvro Prokash Lahiri learned advocate appearing for the added respondents and applicants in CAN 23 of 2023 filed in WPA 13700 of 2021, CAN 23 of 2023, CAN 24 of 2023 and CAN 25 of 2023 filed in WPA 5406 of 2022 has contended that his clients secured the appointments on merit and upon performing competitively. No adverse evidence either digital or physical has been recovered as against his clients. His clients became aware of the writ petitions subsequent to the notice issued pursuant to the order dated December 6, 2023. He has contended that, the selection process may not be cancelled in its entirety but an effort should be made to segregate the fair recruitees from the tainted candidates.

109. Mr Partha Sarathi Bhattacharya learned senior advocate appearing for the added respondent Nos. 25 to 32 in WPA 13700 of 2021 has submitted that, the application for addition of party filed by his clients was disposed of by an order dated December 20, 2023 and that his clients were added as party respondents in the writ petition. His clients have filed an affidavit in the writ petition.

110. Mr Partha Sarathi Bhattacharya has contended that, his clients possess the requisite qualification and are within prescribed age limit to receive the appointments. His clients had appeared in the written test and personality test. Names of his clients had appeared in the waiting list in connection with the selection process. Thereafter, SSC had issued recommendation letters and the board had issued appointment letters in favour of his clients in the month of March 2020. His clients have joined the respective post and that the service of his clients was approved by the competent authority.

111. Mr Bhattacharya has contended that, SSC had published a list of 183 persons claiming that they were wrongly recommended where names of his clients appear. He has contended that, no hearing was given to his clients nor

any reason assigned regarding the alleged wrong recommendation. He has pointed out that, the panel expired on December 18, 2019 and the writ petition was filed on August 26, 2021. He has also pointed out that, state government issued an order on May 19, 2022 for filling up of supernumerary posts of Assistant Teachers. He has also pointed out that, one person was provided appointment pursuant to the direction of the Court dated April 18, 2022 passed in WPA 6942 of 2022. He has also pointed out that 102 candidates were dealt with on January 6, 2023 pursuant to an order dated December 14, 2022 passed in WPA 13700 of 2021, WP No. 17273 of 2021 and WPA 13701 of 2021. He has contended that, such conduct goes to show that the panel was made to operate in 2023 after expiry of the panel on December 19, 2019.

112. Mr Bhattacharya has also appeared for the applicants in CAN 31 of 2024 filed in WPA 13700 of 2021. He has pointed out that the applicants were waitlisted candidates based on their merit. Letters of recommendation had been issued on August 3, 2020, letter of appointment had been issued in the month of February 2021 and that, the applicants are presently rendering their services as Assistant Teachers

without any blemish. He has contended that during the 8th phase of counselling the applicants were informed by way of SMS sent to the respective mobile phone numbers as mode of communication for the purpose of participating in the counselling process. He has contended that the applicants were part of a valid recruitment process is conducted by the SSC and responded to the call of authority. His clients had no control over the process at all. He has contended that, the applicants were part of the wait list and not the panel and therefore the allegation that the panel expired will have no bearing so far as the applicants were concerned.

113. Mr Lakshmi Kumar Gupta learned senior advocate appearing on behalf of the applicants in CAN 21 of 2023 and CAN 22 of 2023 filed in WPA 5406 of 2022 has contended that, there was substantial procedural compliance of the 2016 recruitment rules for the recruitment of assistant teachers for classes XI and XII. He has in this regard referred to the relevant rules. He has pointed out that, the writ petition was filed 3 to 4 years after the recruitment process was concluded. He has contended that, marks obtained by individual candidates are not required to be published as per Rule 12. There was no judicial interpretation of this Rule and in

particular Rule 12 (6) at the relevant point of time. In absence thereof, he has contended that, an administrative interpretation could be the only basis for the executing authority to adopt or follow. In support of such contention, he has relied upon ***1992 (Supp 1) Supreme Court Cases 584***.

114. Mr Lakshmi Kumar Gupta has contended that, evaluation of OMR sheets is always outsourced by all examining bodies. He has contended that outsourcing in the present context must not be through open disclosure and secrecy is necessary to be maintained to protect the sanctity of the system and to prevent outside influence. Moreover, engagement of M/s. NYSA has not been questioned by the petitioners and hence such aspect need not be gone into by the Court.

115. Mr Lakshmi Kumar Gupta has contended that the so-called admission by SSC about the correctness of the data comprised in the hard disk recovered from the ex-employee of M/s. NYSA was of no consequence. The so-called admission was not unequivocal. In support of such contention, he has relied upon ***2003 SCC OnLine Bom 148 (Western Coalfields Ltd vs. Swati Industries), 2006 SCC OnLine Del 490, 2007 SCC OnLine Del 1213 and 2011 Volume 15 Supreme***

Court Cases 273 (Himani Alloys Limited vs. Tata Steel Limited).

116. Mr Lakshmi Kumar Gupta has questioned the maintainability of the writ petition. He has contended that no writ petition can be filed after the expiry of the panel. In support of such contention, he has relied upon ***2002 Volume 9 Supreme Court Cases 650 (M.P. Electricity Board through the Chief Engineer, M.P. EB and another vs. Virendra Kumar Sharma).*** He has contended that the panel remains valid only till the time fixed by the Rule or on completion of appointments, whichever is earlier. He has referred to ***1996 Volume 9 Supreme Court Cases 309 (State of U.P. and others vs. Harash Chandra and others)*** in this regard. Moreover, the panel is not the reservoir for filling up vacancies anytime and in this regard, he has relied upon ***2010 Volume 6 Supreme Court Cases 777 (State of Orissa and another vs. Rajkishore Nanda and others)***. He has contended that, the point of maintainability of the writ petition is to be considered from the point of view of laches or unexplained delay. In this regard, he has referred to ***2014 Volume 4 Supreme Court Cases 108 (Chennai Metropolitan Water Supply and Sewerage Board and***

others vs. T.T. Murali Babu). The contention that documents are required to be preserved for 20 years under the Right to Information Act is erroneous and in support of such contention, he has relied upon ***2013 SCC OnLine Mad 63 (N. Amirthaguru vs. Syndicate Bank)***. He has contended that, the issue raised in the writ petitions may evoke public interest only after authenticity of the data recovered was established by applying the rules of evidence.

117. Mr Lakshmi Kumar Gupta has contended that, no case for cancellation of the entire selection process was made out. Entire recruitment need not be interfered with and only wrongful and illegal appointments after the expiry of the panel needs to be set aside since the grains can be separated from the chaff. In this regard he has relied upon ***2006 Volume 11 Supreme Court Cases 356 (Inderpreet Singh Kahlon and others vs. State of Punjab and others)*** and ***2003 Volume 7 Supreme Court Cases 285 (Union of India and others vs. Rajesh P.U., Puthuvalnikathu and another)***.

Issues

118. The prevenient adumbrated rival contentions have delineated the following issues for consideration: –

i. does this Division Bench have jurisdiction to hear all the writ petitions and appeals listed before it?

ii. are the writ petitions maintainable at the behest of unsuccessful candidates who has filed the writ petitions subsequent to the expiry of the validity period of the panel?

iii. can appointments be made subsequent to the expiry of the validity period of the panel?

iv. is the certificate dated September 19, 2022 valid and admissible in evidence?

v. should the OMR sheets available in the seized hard disks be uploaded in the server of SSC to compare with the final list stored therein?

vi. should any reliance be placed upon the data stored in the seized hard disks to terminate the services of any employee?

vii. can the recommendations be withdrawn by SSC without hearing the appointee?

viii. whether revocation of recommendations under rule 17 by SSC is valid or not?

ix. to what relief or reliefs are the parties to the appeals and writ petitions entitled to?

Jurisdiction

119. Normally a writ petition filed before the Calcutta High Court is heard by a single Judge. Here we have heard a number of writ petitions as well as appeals as a Division Bench pursuant to an order dated November 9, 2023 passed by the Supreme Court and an order of assignment of the Chief Justice dated November 16, 2023.

120. The order dated November 9, 2023 of the Supreme Court had been passed in a set of proceedings arising out of the controversy in the selections/appointment of different categories of employees in state funded schools. It would be apposite to refer to paragraph 1 of such order which is as follows: –

> *"1. The present set of proceedings arises out of controversy in selection/appointment of three categories of employees in different State funded schools in the State of West Bengal. These are (i) non-teaching staffs belonging to Groups 'C' and 'D', (ii) Assistant Teachers and Teachers of classes 9 and 10 and (iii) Assistant Teachers of classes 11 and 12. Recommendations were made by the West Bengal Central School Service Commission ("the Commission") in the years 2017-2018 for appointment to these posts. The recruitmen process for these posts was initiated in the year 2016. Several*

unsuccessful/wait-listed candidates who had participated in the said recruitment process had approached the High Court at Calcutta questioning sanctity of the selection process for these posts. These writ petitions were instituted in the years 2021-22 and the unsuccessful candidates questioned the recruitments on the ground of several irregularities."

121. The direction of the Supreme Court in the order dated November 9, 2023 with regard to hearing of the writ petitions and the appeals by a Division Bench is contained in paragraphs 8, 9 and 11 thereof which are as follows: –

"8. In our opinion, piece-meal proceedings are not warranted in relation to the disputes of this dimension and termination of service of candidates at the interim stage before final disposal of the writ petitions also ought to have been avoided having regard to the nature of the controversy involved in these proceedings. It was necessary for the High Court to examine admissibility of the OMR sheet images recovered by the CBI before placing full scale reliance on them in directing termination of services of the concerned employees. We are not suggesting that in cases of gross irregularities detected in appointment of certain individuals, termination at the interim stage is altogether impermissible. If some grave error in the appointment process can be demonstrated before the Court at the interim stage, services of such illegally appointed persons can be terminated at the interlocutory stage only. But in the present set of proceedings, at this stage the unsuccessful candidates have not been able to make out such outstanding case at the interim stage. Investigation by the CBI is yet to be completed. The argument of corrupting the original OMR sheets is yet to be supported by cogent evidence. In none of the orders

impugned before us, these is no clear cut finding that there was distortion in OMR sheet evaluation.

9. The question of exercise of power under the aforesaid Rules also arise out of discovery of electronically stored OMR sheets.

Serious allegations have been made of manipulation of records in exchange of money, but these allegations would have to be established through evidence. It is also our opinion, considering the importance of the points of law involved in these cases, the number of persons who are likely to be affected by the outcome of these proceedings and also having regard to the fact that majority of the writ petitions giving rise to these proceedings have strong attributes of Public Interest Litigations (PIL), this Court would consider it preferable to have these proceedings heard by a Division Bench of the High Court.

11. We, accordingly, request the Hon'ble Chief Justice of the High Court at Calcutta to constitute a Division Bench and all the writ petitions and appeals from which this set of proceedings arise be assigned to the Bench to be constituted in the light of this order for early adjudication. So far as 19 petitions/appeals pending before us are concerned, we dispose of the same with an observation that in the cases where termination orders or withdrawal of recommendations have been directed involving the appointees described in the first paragraph of this order, such terminations or withdrawal orders shall not be given effect to until the Division Bench of the High Court to be constituted in pursuance of this order adjudicates the matters on merit The direction of the Single Judge to upload the CBI recovered OMR sheets shall stand invalidated, and the Division Bench may consider issuing a similar order only after the authenticity of these images are established before it by applying the prevailing

Rules of evidence. We have consciously avoided in this order giving any finding on merits of the individual cases, lest such observation or findings influence the Bench to be constituted for hearing the subject-controversy."

122. Subsequent to the order dated November 9, 2023, the Chief Justice had by an order of assignment dated November 16, 2023 assigned the matters to this Division Bench which is as follows:-

"Before the Hon'ble Division Bench Presided over by Hon'ble Justice Debangsu Basak.

The other matters which are said to be arising out of the same recruitment be mentioned before the Hon'ble Division Bench."

123. In our understanding of the order dated November 9, 2023 and the order of assignment of the Chief Justice, we have been vested with the jurisdiction to decide proceedings arising out of the controversy in selection/appointment of non-teaching staff belonging to Group C and D as well as teaching staff being Assistant Teachers and Teachers of classes X and X as also classes XI and XII, in different State funded schools in the State of West Bengal for the recruitment process initiated in the year 2016.

124. In our understanding all writ petitions relating to the recruitment process initiated in the year 2016 have not been directed to be heard by the Division Bench but only those writ

petitions relating to the categories as noted above, in respect of the 2016 recruitment process and instituted in 2021/2022 and the appeals arising out of the orders passed in such writ petitions. We have understood paragraph 1 of the order dated November 9, 2023 to prescribe the categories of matters as also the time limit of filing of the writ petitions required, to be decided by the Division Bench. We have understood the order of assignment dated November 16, 2023 of the Chief Justice in such context.

125. Consequently, we have jurisdiction to hear and dispose of appeals arising out of the orders passed in the four categories of matters in writ petitions filed in 2021/2022.

126. Contours of our jurisdiction to decide the writ petitions and the appeals emanating out of orders passed in such writ petitions having been adverted to, we shall now proceed to decide such matters which fall within such parameters.

127. In view of the discussions above the first issue is answered accordingly.

Maintainability

128. Having understood the parameters of the matters which we have to decide the issue of maintainability of the

writ petitions needs to be answered. Persons opposing the writ petitions have questioned their maintainability.

129. The order dated November 9, 2023 of the Supreme Court has enjoined upon us the obligation to decide on the maintainability of the writ petitions.

130. Maintainability of the writ petitions have been questioned on the grounds of delay, laches and writ petitions being at the behest of unsuccessful candidates who had participated in the selection process and failed. Various authorities have been cited at the bar on such an issue which we shall consider presently.

Cited Authorities on Maintainability

131. ***Aflatoon and others (supra)*** has considered the issue of delay and laches in filing of a writ petition in the context of Land Acquisition proceedings. In the facts of that case, there had been a delay of the 11 years. In the facts of that case, the Supreme Court had found the writ petitioners to be fence sitters allowing third-party rights to intervene and therefore not entitled to reliefs.

132. In ***Madan Lal and others (supra)*** locus standi to challenge a selection process on the ground of unfairness of

the interview process and defect in constitution of Selection Committee by unsuccessful candidates who had taken a chance to get themselves selected at the interview was found lacking.

133. In ***Vijendra Kumar Verma (supra)***, the Supreme Court has held that, once a candidate appeared in the interview knowing the selection criteria, without any protest at any stage, cannot turn around to contend that the procedure adopted for selection was wrong and without jurisdiction. Similar view had been expressed in ***Anil Joshi and others (supra), D. Sarojkumari (supra), Anupal Singh*** *and* ***others (supra), and Mohd Mustafa (supra)***.

134. In ***Md. Kalimuddin and others (supra)*** the Supreme Court has held that, of where under the statutory rule, the period of the life of the select list had already expired, High Court acted without jurisdiction in directing extension of the validity period of such select list.

135. In ***Harish Chandra and others (supra)*** Supreme Court has held that, no mandamus can be issued either to refrain from enforcing the law or to act contrary to the law.

136. ***Surinder Singh and others (supra)*** has explained the scope and extent of a waiting list in the selection process. It

has held that, waiting list cannot be used as an open source of recruitment for filling up the vacancies not advertised. It has also held that, the candidates in the waiting list have no vested right to be appointed except to the limited extent that when a candidate selected against the existing vacancy does not join for some reason and the waiting list is still operative. The candidates included in the waiting list cannot claim appointment on the ground that the vacancies were not worked out properly.

137. ***Raghbir Chand Sharma and another (supra)*** has held that with the appointment of the first candidate for the only post in respect of which the select panel was prepared, the panel ceased to exist and had outlived its utility and no one else in the panel can legitimately contend that he should have been offered appointment either in the vacancy arising on account of the subsequent resignation of the person appointed from the panel or any other vacancies arising subsequently.

138. ***Virendra Kumar Sharma (supra)*** has held that, denial of appointment to a candidate in the panel after expiry of the panel on the basis that, all vacancies were not filled up, did not call for interference by the High Court.

139. ***Sanjay Kumar and others (supra)*** has held that, where the writ petition challenging the selection process did not challenge the rules relating to the selection process, and arguments to such effect was not made in writ petition, such contentions cannot be raised on appeal.

140. ***B. Valluvan and others (supra)*** has held that, period of operation of the panel can be extended by the State and not by Court. A Selection Committee while preparing the panel is not concerned with the future vacancies.

141. ***Nehru Yuva Kendra Sangathan (supra)*** has held that, only in the event of unsatisfactory performance by the employee, the termination of probation is justified. However, when the foundation for such an order is not an unsatisfactory performance of the part of the employee but overt act amounting to misconduct, an opportunity of hearing to the employee concerned is imperative.

142. ***Mohd. Sohrab Khan (supra)*** in the facts of that case has held that, once the first candidate in the select list was appointed and subsequently his appointment was cancelled, the other person in the panel cannot claim appointment since there was only one post which stood filled up the appointment of the 4 selected candidates.

143. In ***Rajkishore Nanda and others (supra)***, Supreme Court has held that, select list cannot be treated as a perpetual reservoir for purpose of appointments. If the selection process was over whereby select list had expired and appointments had been made, no relief can be granted by the Court subsequently on the basis of the expired select list.

144. In ***T. T. Murali Babu (supra)*** the Supreme Court has held that four years delay in filing writ petition challenging the dismissal order was fatal. It has observed that, delay comes in way of equity and although delay and laches may not be fatal in all circumstances, inordinate delay brings in hazard and cause injury to the lis. In given circumstances, delay may affect others' rights and may unnecessarily drag others into litigation which in acceptable realm of possibility may have attained finality.

145. ***N. Murugesan and others (supra)*** has considered the issue of delay, laches and acquiescence in the context of a writ petition and whether, delay/laches/limitation affects the discretionary nature of relief that may be granted under Article 226 of the Constitution. It has considered a number of authorities on the subject including ***T. T. Murali Babu (supra)*** and held as follows: –

"Delay, laches and acquiescence

20. The principles governing delay, laches, and acquiescence are overlapping and interconnected on many occasions. However, they have their distinct characters and distinct elements. One can say that delay is the genus to which laches and acquiescence are species. Similarly, laches might be called a genus to a species by name acquiescence. However, there may be a case where acquiescence is involved, but not laches. These principles are common law principles, and perhaps one could identify that these principles find place in various statutes which restrict the period of limitation and create non-consideration of condonation in certain circumstances. They are bound to be applied by way of practice requiring prudence of the Court than of a strict application of law. The underlying principle governing these concepts would be one of estoppel. The question of prejudice is also an important issue to be taken note of by the Court.

Laches

21. The word "laches" is derived from the French language meaning "remissness and slackness". It thus involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a right, and therefore, must stand in the way of the party getting relief or remedy.

22. Two essential factors to be seen are the length of the delay and the nature of acts done during the interval. As stated, it would also involve acquiescence on the part of the party approaching the Court apart from the change in position in the interregnum. Therefore, it would be unjustifiable for a Court of Equity to confer a remedy on a party who knocks its doors

when his acts would indicate a waiver of such a right. By his conduct, he has put the other party in a particular position, and therefore, it would be unreasonable to facilitate a challenge before the Court. Thus, a man responsible for his conduct on equity is not expected to be allowed to avail a remedy.

23. A defence of laches can only be allowed when there is no statutory bar. The question as to whether there exists a clear case of laches on the part of a person seeking a remedy is one of fact and so also that of prejudice. The said principle may not have any application when the existence of fraud is pleaded and proved by the other side. To determine the difference between the concept of laches and acquiescence is that, in a case involving mere laches, the principle of estoppel would apply to all the defences that are available to a party. Therefore, a defendant can succeed on the various grounds raised by the plaintiff, while an issue concerned alone would be amenable to acquiescence.

Acquiescence

24. We have already discussed the relationship between acquiescence on the one hand and delay and laches on the other.

25. Acquiescence would mean a tacit or passive acceptance. It is implied and reluctant consent to an act. In other words, such an action would qualify a passive assent. Thus, when acquiescence takes place, it presupposes knowledge against a particular act. From the knowledge comes passive acceptance, therefore instead of taking any action against any alleged refusal to perform the original contract, despite adequate knowledge of its terms, and instead being allowed to continue by consciously ignoring it and thereafter proceeding further, acquiescence does take place. As a consequence, it reintroduces a new implied agreement between the parties.

> *Once such a situation arises, it is not open to the party that acquiesced itself to insist upon the compliance of the original terms. Hence, what is essential, is the conduct of the parties. We only dealt with the distinction involving a mere acquiescence. When acquiescence is followed by delay, it may become laches. Here again, we are inclined to hold that the concept of acquiescence is to be seen on a case-to-case basis."*

Analysis of the Cited Authorities on Maintainability

146. The authorities cited at the bar have underscored the underlying principle governing delay, laches and acquiescence to defeat a writ petition to be estoppel and prejudice. In the facts and circumstances of a given case, if the writ petitioner is found to be guilty of such delay and laches so as to have allowed third party rights to intervene and attain finality then such writ petition is not to be entertained. Similarly, when a writ petitioner is found to have acquiesced in a particular course of action, he is held to be estopped from questioning the same. However, these defences of delay, laches and acquiescence would not have application when the existence of fraud is established.

147. No appointment can be made after expiry of the panel as the panel is not a perennial reservoir for appointments. Panel is valid for the declared vacancy and for the specified period. Appointments towards future vacancies cannot be

made from the panel. Appointments made in violation of Articles 14 and 16 of the Constitution of India are a nullity. Courts have no jurisdiction to direct appointment to be made beyond the validity period of the panel.

Nature of the writ petitions

148. We have to appreciate the timeline of the cause of action leading to the filing of the writ petitions as also the events subsequent thereto in order to pronounce whether the defence of delay, laches and acquiescence setup by the private respondents to the writ petition, merits acceptance or not.

149. A number of writ petitions relating to the four categories of the 2016 recruitment process had been filed during the period 2021 and 2022. The learned single Judge had considered a member of them and passed orders from time to time therein. We shall advert to some of the orders passed after outlying briefly the cause of action, averments and prayers in some of the writ petitions.

150. A candidate who had participated in the recruitment notification for third Regional Level Selection Test 2016 for the post of clerk (Group-C) has filed WPA 14612 of 2021. He had averred in his writ petition that, the Board had issued a

provisional appointment letter in his favour for such post on March 20, 2020. He has stated that, such letter was issued three days before the commencement of the Covid pandemic. He had gone to the school at which, he was given the appointment, but was not allowed to join. He had prayed for a writ to allow him to join the post of clerk in the school on the basis of the appointment letter dated March 20, 2020.

151. Writ petitioners in WPA 12266 of 2021 have alleged that, they participated in the selection process for Group-D. They have claimed that, the authorities had acted de hors the 2009 Rules by not publishing the fourth phase counselling list and not calling the petitioners thereto. They have claimed that the authorities did not prepare and publish the panel in accordance with 2009 Rules and that, the entire panel was full of discrepancies. They have alleged that the entire selection process lacked transparency. They have claimed that, several candidates holding rank below them had been given appointment. They have given details of some of the persons who were ranked below them but given appointments. They have sought appointment to the Group-D post and cancellation of the notification declaring the panel to be expired.

152. Another candidate who had participated in the selection process for the post of Group-D has filed WPA 27106 of 2022. He has prayed for consideration of his representation dated October 22, 2022.

153. Writ petitioners in WPA 12270 of 2021 have alleged that, the writ petitioners therein were in the waiting list in respect of the Group-D post. Writ petitioners have stated that, panel was published on June 20, 2019 and that, thereafter on June 14, 2021, the authorities had issued a notification for initiating further process of recruitment. The writ petitioners have prayed for a direction upon the authorities to call the petitioners for counselling and appoint them in the post of Group-D in terms of the notifications dated August 8, 2016 and to fill up remaining 44 vacancies by appointing the writ petitioners therein. The writ petitioners have also sought cancellation of the memo dated September 2, 2019. Writ petitioners have also sought a direction upon the authorities to publish the merit list/panels of candidates already appointed in the post of Group-D disclosing full details including marks obtained by them and the marks obtained by the writ petitioners. In such writ petition, the writ petitioners have alleged that, several of candidates had been

recommended for appointment to the post of Group-D although they did not feature in the merit list. Moreover, candidates securing marks below them had been given appointment.

154. Candidates who had participated in selection process for the post of assistant teachers in Classes IX and X in the subject History has filed WPA 13700 of 2021. They have alleged that; the authorities did not act in accordance with recruitment rules. The authorities had adopted a pick and choose formula in selecting candidates for appointment, as a result of which less meritorious favourite candidate got preference over more meritorious candidates. The writ petitioners have been denied their legitimate right to get an appointment. The respondent authorities did not call the petitioners for counselling whimsically and arbitrary. The respondent authorities had given appointment to the below rank holder and the writ petitioners had given some instance with regard thereto. They had prayed for appointment to themselves and a direction upon the authorities to publish a *de novo* panel and waiting list in accordance with the actual merits and in terms of the Rules prescribed.

155. Another unsuccessful candidate for the post of assistant Teachers for Classes IX and X has filed WPA 17273 of 2021. The writ petitioner has given one instance of a candidate not listed either in the merit list or in the waiting list, given an appointment and such candidate joining the school. Writ petitioner has prayed for grant of appointment to himself and preparation and the publication of *de novo* panel and waiting list in accordance with merits and in terms of Rules.

156. Candidates who had participated in the selection process for the Group-D posts has filed WPA 18585 of 2021. They have alleged, there were various illegalities in the merit list. They have also alleged that below rank holders in their category and persons who were not even listed in the merit list had been given appointment. They have sought a direction for giving appointment to them and for publication of the merit list.

157. WPA 5406 of 2022 had been filed by a writ petitioner claiming a direction upon the respondent to issue appointment to such writ petitioner as Assistant Teacher for the subject of Political Science (PG) in connection with the first

State Level Selection Test 2016, recruitment of Assistant Teachers for classes XI and XII.

158. There are other writ petitions, falling under our determination/jurisdiction, which we have heard. We are not detailing each one of them for the sake of brevity and as the writ petitions depicted above largely represents a cross section of the other petitions.

159. Writ petitioners had approached Court essentially for redressal of their private grievances emanating out of their participation of a public selection process. Have the subsequent events transformed these writ petitions to public interest litigation needs to be decided.

Delay on part of Writ Petitioners and Maintainability

160. At the time when, the writ petitioners had approached the Court, they were interested in securing employment for themselves rather than having the entire selection process nullified. Moreover, most of the writ petitioners had been unsuccessful in the selection process. We say most since the writ petitioner in WPA 14612 of 2021 claimed to be successful, given an appointment letter and not allowed to join. He cannot be held guilty of delay as his appointment

letter is dated March 20, 2020. Covid intervened thereafter and he has filed the writ petition in 2021 when remnants of Covid was still continuing.

161. Delay on the part of the writ petitioners as also they being unsuccessful candidates would ordinarily have visited the writ petitioners with a devastatingly negative result on the writ petition filed by them. The negative result would however have been after a final hearing in the writ petition. None of the writ petitions could have been dismissed on the ground that they did not disclose a cause of action or was barred by law.

162. It has been contended on behalf of the private respondents opposing the writ petitions that, since on the date of the filing of the writ petition, the same was not maintainable, no order should have been passed excepting one of dismissal of the writ petition.

163. On a purposive reading of the writ petitions, one cannot arrive at an explicit finding that, any of the writ petitions or the prayers made therein are barred by law or do not disclose a cause of action. The writ petitioners are entitled to approach the writ Court with the prayers made on the basis of the pleadings as existing in the writ petitions. At the bare minimum the writ petitioners allege misadventure by the

authorities in the selection process. The writ petitioners are participants of the selection process, albeit unsuccessfully by most, in respect of which they allege misadventure. They are entitled to a fair consideration in the selection process, a fundamental right under Article 14, denial of which they allege in the writ petitions.

164. In respect of all categories of the 2016 selection process the common allegations are that, merit list contemplated under the Rules of the selection process governing the category was never published, persons not featuring either in the merit list or the waiting list were given appointment, below ranked candidates were favoured with appointments, and appointments given after expiry of the panel. None of these allegations can be construed to be unmeritorious of consideration of a writ Court even if made at the behest of an unsuccessful candidate. Such allegations if proved would mean that selection process had violated the fundamental right of the unsuccessful candidate to be treated fairly in the selection process. That would have made the writ petition at the behest of unsuccessful candidate not only maintainable but entitled the writ petitioner appropriate reliefs.

165. Delay aspect needs consideration from the Covid perspective also. Entire country went into lockdown for a considerable period in 2020 -2021. The selection process had culminated just prior to the onset of the Covid lockdown. Therefore, to hold the time period lost due to the Covid lockdown as against the writ petitioners as they had been unsuccessful would be a travesty of justice.

166. The nature of misadventure alleged is such that, such allegation cannot be dismissed at the threshold as not disclosing a cause of action to approach a writ Court or such allegation being barred by law must not be enquired into by a writ Court. Quite to the contrary, if the statements made in the writ petitions are taken as true and correct then they make out a case of transgression of fundamental right to be treated fairly in a selection process undertaken by a State authority. Whether the writ petitioners would ultimately receive any relief on the basis of the pleadings of the parties completed after affording the parties opportunity of filing affidavits, and the prayers made in such writ petitions, would be a different issue.

167. On the face of the pleadings contained in the writ petitions and taking such pleadings to be true and correct, on

the principles akin to considerations of an application under Order VII Rule 11 of the Code of Civil Procedure, 1908, it cannot be said that, any of the writ petitions are barred by law or does not disclose a cause of action, and that any of them must be dismissed as not maintainable at the threshold.

168. Having returned the finding that, none of the writ petitions could not have been dismissed as the threshold on the ground that it was barred by law or did not disclose any cause of action, in our view, the issue of maintainability should not be decided on the limited prism of the pleadings available in the writ petitions to the exclusion of all other materials, but a decision on such an issue should also encompass the sequel of events happening subsequent to the filing of the writ petitions, affidavits and reports filed therein and the orders passed from time to time.

169. Group-D selection process is governed by the West Bengal Selection Service Commission (Selection of persons for appointment to the post of Non-Teaching Staff) Rules, 2009 which had been notified on July 09, 2016. Subsequent thereto, recruitment notification for vacancy had been published for the post of Group-D staff on August 08, 2016. Written test in respect of such selection process had been held

on February 19, 2017. Panel for both eligible candidates as well as wait-listed candidates had been prepared and published on November 06, 2017. Personality test and counseling had been held in 2018. SSC had commenced issuance of recommendation letters from February, 2018 and in turn West Bengal Board of Secondary Education had issued appointment letters. Candidates had commenced joining their respective posts since April 2018. Appointment and service of such candidates had been approved by the District Inspector of Schools, from the respective date of joining, commencing from the period June, 2018. The panel including the wait-listed candidate panel had expired on May 04, 2019.

170. Two writ petitions being WPA 12266 and 12270 of 2021 had been filed before the High Court alleging that, appointment letters in respect of Group-D staff were issued even after expiry of the term of panel. These writ petitions had been filed in August, 2021. Wait-listed candidates had filed writ petition relating to appointment to the post of Assistant Teachers for Classes IX and X being WPA 13700 of 2021 alleging that they had priority in the waiting list as they were placed higher than some who were given the appointment. This writ petition had been filed in September, 2021.

Court's Orders on the Writ Petitions

171. By an order dated November 09, 2021 passed in WPA 12270 of 2021 (writ petition relating to Group-D), the High Court has directed the Commission to file an affidavit explaining the situation.

172. On November 22, 2021, wait-listed candidates for Group-D have filed a writ petition being WPA 18585 of 2021 alleging that they had priority in the waiting list and that persons who were placed lower than them in the waiting list had been given appointment. On the same day, an order was passed in WPA 12266 of 2021 (Group D writ petition) directing investigation by the CBI after noting the submissions made on behalf of the Board claiming that they had received recommendations in the proper manner. Court had also directed 542 persons to be added as parties to such writ petition. Appeal had been preferred against the order dated November 21, 2021. Order directing investigation by CBI has not been interfered with upto Supreme Court. CBI had conducted the investigation pursuant to orders of the Court. CBI has filed charge sheet before the jurisdictional Court.

173. On November 30, 2021, the Court had noted that, SSC in its affidavit denied issuing recommendation letters annexed

to the writ petition. The Court had also allowed 350 other persons to be added as party respondents in such writ petition.

174. On December 02, 2021, the Court in WPA 12270 of 2021 and WPA 14612 of 2021 had called upon the Commission to explain by way of an affidavit how the recommendation letters and the subsequent appointment letters had been issued. The Court had passed another order on December 14, 2021 in the both the above noted writ petitions calling for certain particulars from the SSC with regard to the vacancies and the persons recommended for appointment in Group-C.

175. In WPA 12266 of 2021 (writ petition relating to Group-D), Court by an order dated February 09, 2022, had directed publication of information relating to 573 candidates, on its official website, whose appointments were held to be invalid since the recommendations were issued after the expiry of the panel. SSC had complied with such directions and uploaded the particulars of such candidates in its website. In the same writ petition, another order dated February 15, 2022 had been passed directing stopping the salary of 350 persons and

requiring those 350 persons to refund their salary as they had received appointment subsequent to the expiry of the panel.

176. By an order dated February 22, 2022, passed in WPA 13700 of 2021 (Writ petition relating to Assistant Teachers for Classes IX and X), the Court after considering the reports of SSC, had found the respondent no.6 therein not to be entitled for appointment as the writ petitioner was found not to be within the zone of consideration by SSC. Respondent No.6 was directed to refund the salary that had been received with liberty to sue the government.

177. The learned single Judge has by an order dated March 3, 2022 passed in WPA 13700 2021 noted that, in paragraph 5 of the affidavit of SSC affirmed on March 3, 2022, it has been stated that, generally recommendation letters are issued in favour of the empanelled wait listed candidates on the date of counselling after opting the school by the respective candidates, but in respect of respondent No. 6, he was not called for counselling and in spite of that recommendation letter was issued in favour of respondent No. 6.

178. Learned single Judge had held by an order on March 3, 2022 passed in WPA 13700 of 2021 that, there was no delay in filing of the writ petition since, the writ petitioner could not

know about such misconduct in the selection process at the time of filing of the writ petition.

179. By an order dated March 08, 2022, passed in WPA 18585 of 2021, the Court had directed SSC to submit a report about the status of certain persons. In such writ petition, the Court had directed adding 98 persons as respondents upon the request of the writ petitioners by an order dated March 17, 2022. Noting that a large number of writ petitions alleging illegal appointment had been filed, by an order dated March 31, 2022 passed in WPA 18585 of 2021, the Court directed the CBI to question a member of SSC in order to bust the racket of giving illegal appointments.

180. On April 01, 2022, the Court had passed an order in WPA 18585 of 2021 effectively terminating the appointments of 90 persons and directing the CBI to register a case and commence investigations including interrogations.

181. Applications for stay were filed in WPA 18585 of 2021 which were disallowed by an order dated April 04, 2022 by the Court. On April 05, 2022, the Court had directed the CBI to commence interrogation of a member of the Board of SSC and if thought fit by CBI, commence custodial interrogation of such member. Another order was passed on April 06, 2022 in

such writ petition directing two other persons to proceed to the office of the CBI for further interrogation.

182. On April 07, 2022, an order was passed in WPA 5538 of 2022 where the Court had observed that deliberate false statements had been made by a member of the five-member committee. The Court had directed investigations to be conducted by CBI and a new case be registered in relation to appointments of Assistant Teachers for Classes IX and X. CBI had submitted a report in WPA 5538 of 2022 on April 08, 2022 when the Court had given further directions.

183. The Court had adjourned WPA 18585 of 2021 till May 17, 2022 in view of the pending appeals. On May 18, 2022, the Court had passed an order in WPA 18585 of 2021 directing four persons named in such order and the then Education Minister to report before CBI and to be interrogated by CBI. If necessary, CBI had been permitted to take custody of such persons for interrogation.

184. Three orders had been passed by the learned single Judge on May 18, 2022. In WPA 18585 of 2021, the learned single Judge had directed the officer on special duty, Minister in charge, Parliamentary affairs, Senior Law Officer in the Department of Education, Deputy Director, School Education

and Joint Secretary cum- Private Secretary of the Minister in Charge to attend the office of the CBI for interrogation. The learned single Judge had also directed the then Education Minister to attend the office of the CBI for interrogation.

185. The learned single Judge had passed an order on May 18, 2022 in WPA 5538 of 2022 where the learned Judge had expressed his expectations that the Minister should step down. Another order was passed in WPA 12270 on the same date taking note of the contention of the writ petitioners that some persons had entered the office of the SSC and were interfering with the records including computer records. The Court had directed the Secretary of SSC to produce the CCTV footage and directed CRPF to deploy to protect the office of SSC.

186. On May 20, 2022 the learned Single Judge had passed 2 orders, one in WPA 18585 of 2021 where the learned single Judge directed the Minister to be added as a party respondent in such writ petition. The learned single Judge had also directed affidavit of assets of various respondents to be kept on record. The learned single Judge had passed another order in WPA 12270 of 2021 where CRPF were directed to allow employees of SSC into the building without impediment as

CBI had already sealed and taken possession of the assets and the records in the data room.

187. On June 17, 2022, the learned single Judge had kept a report of CBI filed in WPA 18585 of 2021 and WPA 12266 of 2021 in the records of WPA 12266 of 2021. The learned single Judge had allowed SSC access to the data room, on its prayer, after recording that CBI had already obtained the necessary information, material and records for its investigation, by an order passed in WPA 12270 of 2021.

188. By an order dated June 23, 2022 passed in WPA 12270 of 2021 the learned single Judge had allowed certain papers to be handed over to CBI by opening the office of the erstwhile Justice Bag Committee.

189. The learned single Judge had dealt with the singular case of a daughter of a minister who was appointed as an Assistant Teacher in the concerned selection process and termed the service of such daughter as stealing the service of another. The learned single Judge had directed the monies received by her to be refunded.

190. By an order dated September 9, 2022, the learned single Judge had directed the handing over of the data room to SSC.

191. By an order dated September 21, 2022 passed in WPA 18585 of 2021, the learned single Judge had observed that, since appointments given to 573 candidates were declared as invalid, SSC should take immediate action to fill up such vacancies. In WPA 5538 of 2022, the learned single Judge had directed SSC to hold meeting with the learned advocate for the petitioner and of the Board and file a report, regarding how many illegal appointments have been detected. CBI had also been directed to file a report. The learned single Judge had directed that the process of giving appointments to the genuine candidates should start immediately. In WPA 12270 of 2021 the learned single such had found that 350 persons had been appointed after expiry of the panel and directed SSC to give recommendation to 350 persons from the wait list and to hold counselling for such vacancies.

192. On September 28, 2022, the learned single Judge had passed an order in WPA 12266 of 2021, WPA 12270 of 2021, WPA 13700 2021, WPA 13701 of 2021, WPA 17273 of 2021, WPA 18585 of 2021 and WPA 5528 of 2022 where the learned single Judge had noted that CBI filed four status reports. The learned single Judge had observed that a large number of blank OMR sheets were found by CBI. Learned single Judge

had directed CBI to give the names and roll numbers of the persons who submitted such type of OMR sheet for the selection process to be checked by SSC whether such persons received recommendations and appointments or not. The learned single Judge had extended a request to the persons receiving such illegal appointments to resign by November 19, 2022 assuring such persons of protection. The learned single Judge had also directed uploading of the order in the website of SSC and a short advertisement to be published in a prominent place in newspapers stating that an order in respect of illegal appointments have been passed by the Court which is available in the website of SSC.

193. The learned single Judge had considered CAN 2 of 2022 filed in WPA 5538 of 2022 on November 16, 2022. By CAN 2 of 2022, SSC wanted permission for creation of supernumerary post. The learned single Judge had recorded that such application proposed creation of supernumerary post to accommodate those appointees whose appointments may subsequently be found to be invalid. The learned single Judge had directed the Secretary of the SCC to come with the file under which instructions were issued for drafting and filing such application.

194. On the same day, the learned single Judge had issued directions to the CBI with regard to investigation and reconstituted the Special Investigating Team. Learned single Judge had also issued directions with regard to CAN/2/2022.

195. On November 23, 2022, the Chairman of SSC appeared before the High Court and sought to take responsibility for filing CAN 2 of 2022 in WPA 5538 of 2022 and CAN 6 of 2022 in WPA 12266 of 2021. The learned single Judge had disbelieved the Chairman, SSC with regard to him taking the responsibility. The learned single Judge had directed the Principal Secretary, Government of West Bengal to appear personally on the next date for answering the questions pertaining to the matter. The learned single Judge had directed the CBI to investigate the matter and also directed SSC to start the counseling process and publish the details of the panel.

196. By an order dated November 25, 2022, passed in WPA 5538 of 2022, the learned single Judge had taken on record a cabinet note and cabinet memorandum produced before it in a sealed cover. The learned single Judge had dispensed with the personal appearance of the Principal Secretary, Department of

Education owing to the stay granted by the Hon'ble Supreme Court.

197. By an order dated December 6, 2022 passed in WPA 18585 of 2021, the learned single Judge had noted the submission of CBI that manipulations were found in the data of 2823 candidates and directed the petitioners to attend the meeting with CBI and SSC in respect of comparative study of 100 OMR sheets.

198. Justice Bag Committee had submitted a report detailing some of the illegalities committed in the selection process. Such report had been taken into consideration by the coordinate Division Bench then seisen of the appeals.

199. By an order dated December 15, 2022, the learned single Judge upon being appraised that Mr. Subiresh Bhattacharayya had been arrested sought a report from the District and Session Judge, 24 Parganas South, Alipur.

200. By an order dated December 21, 2022 passed in WPA 18585 of 2021, the learned single Judge had noted the report of CBI filed in the form of an affidavit in WPA 13700 of 2021 to the effect that, there were huge numbers of manipulations/mismatch in the evaluated marks of OMR sheets pertaining to the selection tests to Group C, D as well

as Assistant Teachers of classes IX, X, XI and XII. The learned single Judge had directed the Enforcement Directorate to be made as a party respondent in the writ petition. The learned single Judge had directed CBI to continue with the investigation and that such investigation would be monitored by the High Court.

201. By an order dated January 13, 2023 passed in WPA 18585 of 2021, the learned single Judge had directed SSC to file a report in form of an affidavit about the figures pertaining to the 2016 recruitment process for Group D post. The learned single Judge had directed SSC to upload all OMR sheets received from the CBI and the list of 4,487 candidates.

202. By an order dated February 2, 2023 passed in WPA 25380 of 2022, another learned single Judge had noticed manipulation of marks in the OMR sheet of the candidates named under paragraph 9 and 10 of the writ petition. Such writ petition had been filed in relation to appointments granted to Assistant Teachers in classes IX and X. Such order had also noted the submission made on behalf of SSC that recommendations of appointment in respect of candidates named in paragraph 9 and 10 of the writ petition was erroneous.

203. The same learned single Judge who had passed the order dated February 2, 2023 in WPA 25380 of 2022 had passed an order dated February 8, 2023 in the same writ petition. The learned judge had noted an affidavit filed on behalf of SSC in such writ petition. In fact, the learned single Judge had set out the relevant paragraphs of such writ petition. In such affidavit, SSC had stated that 937 persons had been identified against whom Rule 17, that is, revoking the recommendation should be made. The order has recorded the undertaking of SSC to initiate the process in cancelling the recommendations in 7 days' time.

204. By an order dated February 9, 2023 passed in WPA 18585 of 2021, the learned single Judge had directed SSC to file an affidavit and directed SSC and the Board to take steps against 2,819 candidates out of which 1,698 were appointed.

205. By an order dated February 10, 2023, the learned single Judge had cancelled the recommendation of SSC and appointment letter issued by the Board and directed candidates to refund the salaries received and not to sit in any examination. SSC and Board had cancelled the recommendation letters as well as the appointment letters on February 10, 2023 itself. SSC had published a notification for

counseling for the post thereby falling vacant, on February 10, 2023.

206. Appeal directed against invocation of Rule 17 as had been directed by the order dated February 10, 2023 passed in WPA 25380 of 2022 was upheld by the Division Bench on March 1, 2023 in MAT 245 of 2023.

207. SSC had published a list of wait listed candidates for counseling of Group D post on February 11, 2023.

208. Several appeals had been preferred against the order dated February 10, 2023 of the learned single Judge being MAT/250/2023, MAT/274/2023, MAT/259/2023, MAT/284/2023 and MAT/276/2023. The Division Bench had stayed a part of paragraph 19 of the order dated February 10, 2023 of the learned single Judge but refused to stay any other portion of such impugned order.

209. Several Special Leave Petitions had been filed before the Hon'ble Supreme Court directed against the order of the Division Bench dated February 16, 2023 when the Hon'ble Supreme Court stayed the counselling for wait listed candidates that were scheduled to fill up the vacancies created after the termination of the employment. The Hon'ble Supreme Court had passed an order on May 1, 2023 staying

the impugned order of the Division Bench till the next hearing. Ultimately, such Special Leave Petition had been disposed of by the order dated November 9, 2023.

210. In the interregnum, another learned Single Judge had passed an order dated December 22, 2022 in WPA 27106 of 2022 directing service of such writ petition on the Group D employees. On January 24, 2023, some employees of Group D had appeared before the other learned single Judge and had prayed for being added as parties to such writ petition. Another order by the other learned Single Judge had been passed in February 8, 2023 in such writ petition.

211. This timeline of events occurring during the selection process up to the orders passed in the writ petitions largely permeates to the other three categories of employment involved in the batch of writ petitions under consideration by us. The orders passed in the writ petitions have resonance across all the categories.

212. The writ petitions have SSC, Board, CBI, ED and State Government as parties. We should take into consideration the stand taken and role that had been played by these Article 12 authorities during the proceedings.

Affidavits and Reports of SSC

213. SSC had filed several affidavits and reports in the proceedings some of which are noted thereafter.

214. SSC by an affidavit affirmed on March 3, 2021 in WPA 13700 of 2021 where SSC has admitted that the private respondent in such writ petition was "inadvertently and by mistake recommended by S and after such detection and the Commission has taken a decision for taking appropriate steps for correction of such mistake regarding recommendation of the respondent No. 6 in terms of Rule 17".

215. It has affirmed an affidavit on March 11, 2022 in WPA No. 18590 of 2021 where SSC referred to its earlier affidavit affirmed on November 9, 2021 in WPA 12270 2021 and stated that, no recommendation had been made either by the Central Commission or any of the Regional Commissions, in the post of Group C staff after expiry of the panel on May 18, 2019 and that the recommendations made after May 18, 2019 were not issued from any of the offices of the Commission. It has admitted that a recommendation letter came to be issued in favour of one of the candidates in such writ petition on December 20, 2019 and that has not been issued by SSC.

216. It has also affirmed an affidavit on the same date in WPA No. 21268 of 2021 where SSC admitted that, “upon perusal of the office record it appears that the private respondent No. 7 namely Siddik Gazi was recommended by the Commission without following the extant rules and procedures and that the said recommendation was a faulty recommendation”. It has stated that, SSC decided to cancel such erroneous recommendation of the private respondent.

217. Similarly, by an affidavit of the same date in WPA No. 21258 of 2021 SSC has admitted that the private respondent No. 7 in such writ petition was “recommended by the Commission without moving the relevant provisions of rule and that the said recommendations were faulty and not tenable".

218. It has affirmed two affidavits in March 2022 one in WPA 18802 of 2021 and the other in WPA 18381 of 2021. In WPA 18802 of 2021 SSC admitted that, the respondent Nos. 6 and 7 in such writ petition were “neither included in the merit list nor in the waiting list and their recommendation letters were issued without following the procedure and hence were faulty recommendations”.

219. It has in WPA 18381 of 2021 stated that, the private respondent's therein "were recommended by the Commission without following the relevant rules and procedures and fit to be dealt with in terms of Rule 17".

220. In WPA 18387 of 2021 SSC has stated that, the private respondents therein were recommended by the Commission without opening the provisions of the relevant rules and that such recommendations were faulty and not tenable.

221. It has affirmed an affidavit on March 9, 2022 in WPA 18379 of 2021 where it has stated that, the respondent No. 6 and 7 in such writ petition had been recommended without following the extant rules and procedures. SSC has taken steps for cancellation or withdrawal of such recommendation.

222. It has submitted a report in the form of affidavit affirmed on February 14, 2022 in WPA 17273 of 2091 pursuant to an order dated January 4, 2022 admitting that the private respondents therein were recommended without they not being in either the merit list or in the waiting list. Writ petitioner had taken an exception to the report. SSC has filed another report in the form of an affidavit were, it stated that, SSC on verification of the records available in the office of the Commission, it "has managed to detect 183 number of

candidates who were wrongly recommended for appointment by the Commission, 20 of whom have already had their recommendations cancelled. The 183 number of candidates includes the 16 persons referred to in paragraph 15 of the said application. It is to mention that in the list as in paragraph 15, the details of first person were not specified and could not be identified". It has gone on to say that, "there may be more candidates who were only recommended for appointment by the Commission, for which I most humbly pray for some time to further verify the records". Referring to the investigations by CBI, the report has stated that, "the Chairman and the Secretary of the Commission have had several meetings with the officials of the CBI including the Head of Branch ACB were from it appeared that in the course of their investigation/interrogation they have also come across a considerable number of illegal appointments".

223. SSC in a report in the form of an affidavit filed in WPA 13701 of 2021 has admitted that, private respondents in such writ petition were "inadvertently and by mistake recommended by the Commission and after such detection the Commission has taken a decision for taking appropriate steps for correction of such mistake". Writ petitioner therein had taken an

exception to such report. SSC has filed a report in the form of an affidavit therein were, it contended that, the alleged irregularities in recommendations pointed out in the exception to the report was without any basis.

224. The added respondent No. 7 in WPA 13700 of 2021 has filed an affidavit in compliance with the order dated February 28, 2022 passed by the learned single Judge. There, he has stated that, he was appointed as the Chairman of SSC by an order dated January 9, 2019. He had taken charge in the late evening of January 9, 2019 and that for all practical purposes he was functioning as the Chairman on and from January 10, 2019 morning. He had been released from the post of Chairman SSC by the added respondent No. 8 on January 15, 2020 pursuant to an order dated January 13, 2020. He has stated that, while in the office of Chairman, SSC, his mother expired on December 4, 2019 and he went to his native place for performing the last rites. In view of his absence, the then Secretary of the Commission had been appointed as the Chairman of SSC by an order dated December 4, 2019. He had resumed his duties as the Chairman of SSC on December 19, 2019 in the forenoon. According to him, he had discharged duties of the Chairman,

SSC on and from January 10, 2019 till January 15, 2020 excluding the period December 4, 2019 till December 18, 2019. According to him, the first recommendation letter in the name of respondent No. 6 that had been issued on December 18, 2019 when he was not the Chairman of SSC and that the signature appearing in such recommendation letter was not his signature. The 2nd recommendation letter in the name of the respondent No. 6 had been issued on February 25, 2020 when he was no longer in the office of the Chairman, SSC and that the signature appearing in such recommendation letter was not his signature. He has stated that, he had no knowledge as to the issuance of such recommendation letter. He has averred that, on the dates when the 7th phase of counselling of wait listed candidates was notified and postponed and rescheduled, he was not the Chairman of SSC. None of those notifications had been issued under his seal and signature. He did not have any intimation, idea or knowledge of the issuance of any such notification. He also did not have any idea or knowledge of issuance of any recommendation letter/letters issued in favour of any candidate after the expiry of the validity period of the concerned panels and waiting lists. The same were not issued, if any, at all, with prior

consultation with him or after obtaining prior permission or consent from him. He has stated that, if any letter is found to be issued under his signature, the same was not issued without his permission or consent and that he did not have any idea or knowledge of the same and that he was no way responsible for the same.

225. The Assistant Secretary of SSC has filed an affidavit pursuant to the order dated February 28, 2022 in WPA 13700 2021 stating that, he had acted as the Chairman in charge of SSC for the period from December 4, 2019 till December 18, 2019 and subsequently from January 15, 2020 till December 16, 2020. He has stated that, the recommendation letters dated December 18, 2019 and February 25, 2020 issued in favour of the respondent No. 6 were under the scanned signature of the Chairman, SSC and that, the recommendation letters had been issued in favour of respondent No. 6 without calling him for counselling. He has stated that, for the purpose of issuance of recommendation letters to the candidates only the Programme Officer can generate recommendation letter without utilising the scanned signature of the Chairman. He has stated that, the then Advisor, SSC had looked after the work of issuing recommendation letters.

226. The Secretary of SCC has filed a report in the form of an affidavit in WPA 18585 of 2021. He has stated that, recommendation letters were issued after the expiry of the panel and that the facts are similar to the facts of WPA 12266 of 2021. In such affidavit it was stated that, the southern region did not issue the recommendation letters in favour of two persons, western region stated that they did not issue recommendation letters in respect of 96 persons. Another report in the form of an affidavit had been affirmed on behalf of SSC in WPA 18585 of 2021 where, it was denied that any recommendation was made by SSC in respect of pages 72, 73, 85 and 86 of writ petition.

227. SSC has filed an affidavit in compliance with the order dated November 18, 2021 passed in WPA 12266 of 2021 where it has stated that, none of the regional SSC had issued the recommendation letters alleged by the writ petitioner.

228. The Secretary of SSC has affirmed an affidavit in WPA 12270 of 2021 where it was stated that, no recommendation had been made either by the Central Commission or by any Regional Commission in the post of Group-C staff after expiry of the panel on May 18, 2019 and that the recommendations

made after May 18, 2019 were not issued from any offices of the Commission.

229. The Assistant Secretary of SSC has submitted a report in the form of an affidavit in WPA 18585 of 2021 in response to order dated January 13, 2023 where, the number of vacancies declared in Group-D posts were tabulated. Number of candidates recommended was stated, the number of the candidates empaneled and the number of wait listed candidates were also stated. Significantly, it has stated that, manipulated OMR sheet supplied to SSC by CBI were 2,819.

230. Another affidavit of SSC in WPA 18585 of 2021, SSC has stated that M/s Nysa was an agency appointed by SSC for the purpose of assessing/scanning of the OMR sheet with regard to the Third Regional Level Selection Test 2016, for appointment of Group-D staff. After receiving the OMR sheet, and in compliance with the orders of the Court, SSC had checked the OMR sheet and others data supplied by CBI in the form of hard disks whereupon, it appeared that the marks of 2,819 OMR sheet were lesser then the marks of the candidates as were kept in the server of SSC. Out of 2823 candidates in which, marks had been manipulated/enhanced, 1,911 candidates had been wrongly recommended.

231. SSC has submitted a report in the form of an affidavit in WPA 25380 of 2022 stating that in respect of 937 candidates the mark difference varies from 1 to 53. It has submitted a chart with regard to the wrong recommendations. It has found discrepancy in 805 cases.

232. At the hearing of the writ petitions, SSC had disclosed relevant documents relating to the recruitment process. Such documents had been disclosed by a compilation. Pages 89 to 96 have the photocopies of the tender document and work orders issued to M/s NYSA by SSC.

233. By a writing dated July 12, 2016, SSC had called upon 7 addresses of such letter including M/s. NYSA to quote rates for 3 types of works enumerated in such letter. The next document disclosed by SSC has suggested that, M/s. NYSA was selected as it was the lowest bidder. No document has been disclosed by SSC as to whether, SSC evaluated the expert eyes of any of the 7 addresses of the letter dated July 12, 2016 with regard to the nature of job required of them to be performed. Technical qualifications have not been spelt out.

234. By letter dated December 1, 2016, SSC had referred to a work order dated October 24, 2016 and called upon M/s. 2 start scanning of OMR sheet of both Secondary and Higher

Secondary examinations immediately and process result of the same in due course. The work order dated October 2016 has not been disclosed.

235. By letter dated March 29, 2017, SSC had called upon M/s NYSA 2 start scanning of OMR sheets of Group C examination immediately along with other activities as enumerated therein. The other activities that had been enumerated in such letter are scanning and processes of results, return of OMR sheet after completion of the process to SSC and handing over scanned images of OMR is and records of result and other information in soft copy mode with clarifications. This letter dated March 29, 2017 has referred to a work order dated January 17, 2017 of SSC which has not been brought on record.

236. By letter dated March 29, 2017, SSC, referring to a work order dated January 17, 2017 had called upon M/s. NYSA to start scanning of OMR sheet for the post of Group D examinations. Same other activities as the earlier letter had been specified. Again, the work order spoken of has not been disclosed.

237. By a letter dated September 7, 2017, SSC had informed M/s. NYSA that, offer of M/s. NYSA had been

accepted and that such entity was requested to take up Type Test of Group C selection process.

238. In respect of the entrustment of the work for Group C and D examinations to M/s. NYSA, even the semblance of a selection from amongst other bidders was not undertaken by SSC.

239. In the factual matrix of the present case, we are unable to accept a contention that, appointment of M/s NYSA in such a process has been an irregularity, and not an illegality. Appointment of such an entity in such a manner had been unashamedly orchestrated in order to facilitate, implement and perpetuate the eventual fraud which was subsequently discovered.

240. SSC had submitted a statistical report in respect of the 4 selection processes which is as follows: –

Sl. No.	Post Name	Class Level	Total Recommendation	OMR Issue	Rank Jumping	Alleged Irregularity	Alleged Irregularity in percentage
1	Assistant Teacher	IX-X Level	11610	808	185	993	8.50%
2	Assistant Teacher	XI-XII Level	5596	771	39	810	14.47%
3	Group C (Clerk)		2037	783		783	38.43%
4	Group D		3880	1741			44.87%

241. These illegalities admiited by SSC cannot be said to be within tolerable errors of a selection process of a large magnititude. Despite the recalcitrant attitude of SSC, it had to admit these illegalities.

242. In course of hearing SSC did not discount the fact that possibilities of further illegatities exists. One would have appreciated an Article 12 authority when show illegalities to own up the mistakes, identify them, identify the lacunae in the system causing the illegalities and corrected course so as extend ameoliration to the affected persons to the extent possible. We however witnessed an SSC persistently treating the writ petitioners as adversaries, despite a number of them bringing forth credible informations regarding the illegalities, which ultimately SSC had also acknowledged as correct.

243. Although litigations in India are adversarial in nature, Article 12 authority is endowed with the obligation to uphold the rule of law. It must side with rule of law and in so doing, in the facts and circumstances of the present matters, the writ petitoners could not be treated by SSC as adverseries. Objective of SSC should have found common platform of fighting corruption with the candidates affected by it. Bonafide candidates who had participated in the selection process

deserved a lot better and far more humane treatment than they received from SSC. It is debateable as to whether the present stance of SSC as has been exhibited in Court would assist in repairing the damage to the creditiblity of SSC to conduct a free, fair and transparent selection process.

Affidavits and Reports of Board

244. The then president of the Adhoc Committee of the Board has affirmed an affidavit in WPA 12266 of 2021 claiming that board received all the recommendations from different regional offices of the Commission mostly by hand and some through postal department. He has claimed that the Board is in possession of original recommendation issued by the regional SSC with DI Memo mentioned upon each recommendation. He has claimed that the Board had issued approximately 25,000 appointments of teachers and non-teaching staffs since 2018 and that for all such appointment same methods were followed.

245. The then President of Adhoc Committee of the Board has affirmed an affidavit in WPA 12270 of 2021 claiming that the Board received all the recommendations from the different regional offices of SSC. Board had given 357 appointments on

the basis of the recommendations between the time period December 2019 to February 2020.

246. The Secretary of the Board has submitted a report in the form of an affidavit in WPA 18585 of 2021 stating that the Board received 4,550 numbers of recommendations for Group-D post from Regional Commission and issued equal number of appointment letters for the candidates for the post of the Group-D in different schools. He has tabulated the joining status of the candidates given such appointments.

Reports of CBI

247. From time to time as called upon, CBI has filed several reports as to the progress and result of the investigations. CBI has submitted a report in the form of an affidavit in terms of the order dated December 6, 2022 in WPA 13700 of 2021. In such report, it has stated that, during investigation, it revealed that, SSC awarded a contract to M/s. NYSA Communications Private Limited for scanning and evaluation of OMR answer sheets of the written answer sheets pertaining to the selection test of Group D, Group C, Assistant Teachers for classes IX-X, and XI-XII. Scanning of all original OMR sheets had been done at the office of SSC by M/s. NYSA, scanned OMR sheets were

used by M/s. NYSA for evaluation of such OMR sheets by way of comparing those with the corresponding answer key of the booklet which the candidate was provided with. Thereafter, M/s. NYSA made a final tabulation of result of OMR evaluation and shared this evaluation of marks with the SSC. Once SSC had received the evaluated marks of the candidates from M/s. NYSA they uploaded the same to their office database. During investigation, the office database of SSC had been seized by CBI containing all the data pertaining to the selection test for all the 4 categories. The 3 hard disks had been seized during investigation by way of search of the premises of one ex-employee Mr Pankaj Bansal at Ghaziabad, Uttar Pradesh. Those hard disks had scanned images and the evaluated marks of the OMR sheets. On comparison of the data seized from SSC during investigation and the data contained in the 3 hard disks seized during the investigation from the premises of Mr Pankaj Bansal it was found that there had been huge number of manipulation/mismatches in the evaluated marks of OMR sheets pertaining to the all 4 categories of the selection process. The entire data which was seized during the investigation from the premises of Mr Pankaj Bansal had been provided to SSC for appropriate action at their end.

248. CBI has filed a comprehensive status report dated January 19, 2024 in relation to the present proceedings. In such status report, it has stated that in WPA 18585 of 2021, it registered CBI case dated April 5, 2022 in compliance with the order dated April 4, 2022 passed in such writ petition inter alia under Sections 120B/420/468/471 of the Indian Penal Code, 1860 and Section 7 of the Prevention of Corruption Act, 1988 in connection with the irregularities in the recruitment of Group D post in various sponsored and aided schools under the SSC. It has also stated that, a chargesheet No. 31/2022 dated December 13, 2022 had been filed against 15 persons under Section 120B read with Sections 201, 420, 467, 468, 471 of the Indian Penal Code, 1860 and Section 7 and 7A of the Prevention of Corruption Act, 1988. At that filed a supplementary chargesheet, and 2nd supplementary chargesheet involving other accused.

249. The status report dated January 19, 2024 of CBI has stated that it registered a case on April 7, 2022 under Section 120 B/420 of the Indian Penal Code, 1860 and Section 7 of the Prevention of Corruption Act, 1988 in compliance with the order dated April 7, 2022 passed by the High Court in WPA 5538 of 2022. Such a FIR had been registered against the then

convener of 5 members committee as well as advisor to SSC and unknown other public servants of SSC and other related departments of the Government of West Bengal for the irregularities in the process of appointment of candidates in the post of Assistant Teachers for class IX-X first SLST 2016 of SSC. It has filed a chargesheet on October 21, 2022 under Section 120B read with 109, 201, 420, 467, 468, 471 of the Indian Penal Code, 1860 and Sections 7, 7A, 8 of the Prevention of Corruption Act, 1988. It has filed a supplementary chargesheet, 2nd supplementary chargesheet and 3rd supplementary chargesheet therein.

250. Such status report of CBI has stated that, it registered another case on May 18, 2022 on the basis of the order dated May 18, 2022 passed in WPA 5406 of 2022 which was registered under Section 120B, 420, 471 of the Indian Penal Code, 1860 and Section 7 of the Prevention of Corruption Act, 1988 against several persons for manipulations in the merit list for appointment of Teachers for classes XI-XII in schools under SSC. It has filed chargesheet No. 32/2022 dated December 13, 2022 against several persons under Section 120B read with 109, 201, 420, 477A of the Indian Penal Code, 1860 and Section 7, 7A and 8 of the Prevention of Corruption

Act, 1988. It has filed for supplementary chargesheet and 2nd supplementary chargesheet therein.

251. Again, such status report of CBI has disclosed that, CBI registered a FIR dated May 20, 2022 in compliance with order dated May 18, 2022 passed in connection with WPA 12270 of 2021. There, CBI had registered the FIR in connection with the irregularities in the recruitment of Group C (Clerks) in various sponsored and aided schools under SSC stop it has submitted chargesheet on September 13, 2022 against 5 FIRs named accused including the then Minister and 10 other persons under Sections 120B, 201, 420, 467, 468, 471 of the Indian Penal Code, 1860 and Section 7 of the Prevention of Corruption Act, 1988 for supplementary chargesheet and final chargesheet therein.

252. In such status report, CBI has stated that, by the order dated November 9, 2023, Supreme Court has directed completion of the investigation within the period of 2 months. Accordingly, investigation has been completed in the SSC cases and final chargesheet has been submitted before the Trial Court.

253. CBI has submitted a report dated January 16, 2024 in compliance with the order dated January 15, 2024 passed by

the Division Bench. It has stated in such compliance report as follows: –

> *"3. That during investigation, it was revealed that the West Bengal Central School Service Commission (hereinafter referred to as 'Commission') has awarded a work order to M/s. Nysa Communication Private Limited (hereinafter be referred to as 'M/s. NYSA') for scanning and evaluation of OMR answer sheets pertaining to the selection tests of Group D, Group C, Assistant Teachers for classes IX-X and XI-XII.*
>
> *4. That, scanning of all original OMR sheets was done at the office of Commission by M/s. NYSA. The process adopted by M/s. NYSA was when the OMR is scanned, that generates two outputs, first is the scan image of the OMR and the other is the answer string, which is a language coded inputs of the responses filled up by the candidate in the respective OMR sheet.*
>
> *5. That scanned OMR sheets were used by M/s. NYSA for evaluation of such OMR sheets by way of comparing those with the corresponding answer key. Thereafter, M/s. NYSA made a final tabulation of result of OMRs evaluation and shared this evaluation of marks with the Commission.*
>
> *6. That once the Commission received the evaluated marks of candidates from M/s. NYSA, they uploaded the same in their office database.*
>
> *7. That during investigation the office database of the Commission was seized by the Central Bureau of Investigation containing all the data pertaining to selection tests of Group D, Group C, Assistant Teachers for classes IX-X and XI-XII.*
>
> *8. That, during investigation of the case, three hard disks were recovered on 15.09.2022 and 16.09.2022 from the residence of Pankaj Bansal, ex-employee to M/s. NYSA, at Ghaziabad. The*

certificates dated 16.09.2022 u/s 65-B of Indian Evidence Act, 1872, from Shri. Pankaj Bansal were also obtained, in triplicate, with regard to genuineness of the data contained in these three hard-disks so recovered.

9. These three hard-disks contained scanned images and the evaluated marks of above such OMR sheets.

10. That, in compliance to the solemn order dated 15.01.2024 of this Hon'ble Court, a certificate dated under Section 65-B of the Indian Evidence Act, 1872, obtained from Pankaj Bansal is being submitted before this Hon'ble Court. Photocopy of such certificate u/s 65-B of the Indian Evidence Act, 1872 obtained from Shri Pankaj Bansal dated 16.09.2022 is annexed hereto and marked as "Annexure-A" to this affidavit.

11. That, the 2nd Supplementary Chargesheet filed before the Learned Trial Court on 08.01.2024 along with the list of witnesses, list of documents and list of material objects in which three hard disks seized from Pankaj Bansal's residence are made the part of it."

254. Reports in the form of affidavit of SSC, Board and CBI have established that, there had been serious illegalities/manipulations in the selection process in respect of all the 4 categories of post involved. Orders of the learned single judge directing investigations by CBI in respect of all the 4 categories, have not been interfered with by the Supreme Court. Rather, by the order dated November 9, 2023, Supreme Court has directed CBI to conclude the investigations and

submit its report before the jurisdictional Court. CBI has done so.

255. The writ petitions have prompted investigations to be undertaken in respect of illegalities and manipulations in the selection process. CBI has found serious illegalities and manipulations involving a swathe of the Indian Penal Code, 1860 and the Prevention of Corruption Act, 1988 relating to cheating and corruption. CBI has filed chargesheet in the 4 several FIRs registered by pursuant to orders of Court, passed in 4 different writ petitions.

256. Events that have occurred subsequent to the filing of the petition are perturbing and replete with profound ramifications, transcending the perimeter of the parties to the proceedings and impacting the society at large. They have therefore, transmuted the issue of maintainability into one of entertainability and rather to the nature of reliefs that the parties are entitled to.

Role of State Government

257. The role of the State Government in the writ petitions and the appeals that have been heard by us has to be taken into consideration. As has been noted before, SSC filed CAN 6

of 2022 in WPA 5406 of 2022 and an application being CAN 2 of 2022 in WPA 5538 of 2022. SSC had prayed for creation of supernumerary post in respect of appointments given illegally. State Government has not opposed such a prayer. In fact, documents placed on record suggest that the State Government, at the level of the Cabinet had approved creation of the supernumerary posts to accommodate the persons who had received employment illegally in the selection process. The Principal Secretary had appeared before the learned single Judge and produced a Cabinet note and Cabinet memo with regard to creation of the supernumerary post which such documents were taken on record by an order dated November 25, 2022.

258. CBI had conducted investigation pursuant to orders of Court. CBI had filed charge sheets and supplementary charge sheets in the four cases that it registered. CBI had filed charge sheet against State Government officials. In course of hearing, the Court had been informed that, SIT had applied for sanction to prosecute the State Government officials in September, 2023 and that, a member of SIT had met relevant officials trying to persuade expeditious disposal of the application for sanction to prosecute, since then.

259. Since the SIT had been constituted in these proceeding, and the proceedings are yet to be disposed of finally, we had called upon the learned Government Pleader to apprise the Court as to the time required for disposal of the application for prosecution.

260. We had been informed by the learned Government Pleader on March 5, 2024 that in view of the ensuing elections, Chief Secretary who is the authority to decide on the application for grant of sanction to prosecute the State Government officials, would not be in position to dispose of the same before the conclusion of the election and would require further time thereafter. We had requested the learned Government Pleader to inform us the time frame required by the Chief Secretary to dispose of such application so that appropriate order may be passed in that regard. We had requested the learned Government Pleader to inform us on the next date, as the hearing of the matters were being continued on a day-to-day basis.

261. On March 6, 2024, learned Government Pleader had submitted that one more day's accommodation may be grant to him to apprise the Court of the time required. Considering

such prayer, we had accommodated the learned Government Pleader as prayed for.

262. On March 7, 2024, the learned Government Pleader had informed the Court that, he will apprise the Court with regard to the time frame on March 13, 202 as the criminal case was fixed before the jurisdictional Court on March 12, 2024. We have acceded to such a prayer also.

263. Thereafter, the matters had been heard on several days subsequent to March 13, 2024. Neither the learned Government Pleader had appeared nor any advocate for the State thought it prudent to apprise the Court as to the time frame required by the Chief Secretary to dispose the application for sanction to prosecute.

264. The obdufurate attitude of the Chief Secretary has to yield to his obligation to uphold the rule of law. Since a coordinate Bench has issued directions for the expeditious disposal of the application for sanction, we refrain from issuing any directions to the Chief Secretary in this regard. We however deem it appropriate to grant leave to SIT to seek appropriate directions from Court so that the investigations and the trials come to their logical conclusions.

Inferences from the role of Article 12 authorities

265. State Government therefore has accepted that, there were widespread illegalities in the selection process and that, the numbers of persons who received appointments illegally could not be determined with exactitude. They had resolved to create supernumerary posts to accommodate the illegal appointees. In other words, State has resolved to expend taxpayers' money to accord sanction to an employment secured dishonestly. Such course of action of the State violates Articles 14 and 16 which enjoins upon the State the obligation to grant appointments in conformity with such provisions and never otherwise.

266. Learned single Judge had directed investigation by CBI. Learned single Judge had constituted a Special Investigating Team (SIT) to conduct such investigation. CBI has filed charge sheets and supplementary charge sheets in the FIR registered pursuant to the order of the Court. SIT had applied to the competent authority to accord sanction for prosecution as against the State Government employees against whom the charge sheets and supplementary charge sheets had been filed in the FIR.

267. State Government has appeared sporadically during the course of hearing of the writ petitions and the appeals and that to only after learned Advocate for the State was requested to address the Court on the issues in the matters including the issues of consideration of the grant of sanction to prosecute the government officials against whom CBI had filed chargesheet making them as accused. Learned Government Pleader has represented the State Government. Learned Government Pleader, with deepest of respect, has been assiduously evasive, obviously due to the quality of the instructions, with regard to the time required for the purpose of disposing of the application for grant of sanction to prosecute.

268. This course of action has been adopted by the State Government in order to prevent discovery of further manipulations/illegalities in the selection process, if possible.

269. SSC, Board and State Government have consistently stonewalled any queries with regard to the selection process and have not come clean with regard to the manipulations/illegalities involved. Conduct of the 3 authorities, during the course of hearing can be classified as anything other than being cooperative.

270. The Secretary, SSC has submitted a statistical report with regard to the illegalities in the appointment in the respect of the four categories, by a signed report dated March 6, 2024 to which we have allude to herein.

271. In course of hearing, SSC, in response to queries of the Court, has submitted details of the recommendations made by SSC in respect of the 4 categories and number of appointment letters issued by the Board in respect of the 4 categories. Significantly, SSC had recommended 11,425 candidates for appointments post of Assistant Teachers for classes IX and X whereas, Board succeeded in generating 12,946 appointment letters thereby issuing 1,539 excess appointment letters than Board was entitled to similarly, in respect of Assistant Teachers for classes XI and XII the Board had 5, 756 appointment letters as against a recommendation of 5,557 candidates by SSC thereby issuing 199 excess appointment letters than entitled to. In respect of Group D Board has issued 4,550 appointment letters against a recommendation of 3,881 by SSC thereby generating 669 excess appointment letters. In respect of Group C, Board has generated 2,483 appointment letters as against recommendation of 2,067 by SSC thereby generating 416 excess appointment letters.

Justification that has been sought proffered by Board is that, all appointment letters were on the basis of the recommendations of SSC. SSC has contradicted such justification of Board by claiming that no such recommendation letters were issued.

272. Board has no authority to issue appointment letters unless such candidate is recommended by SSC. In the 4 categories involved, there have been appointments far in excess of the recommendations. There have been manipulations/illegalities in the recommendations also.

273. SSC had at no stages of hearing, claimed that it was able to check all the records and be definite as to the number of illegalities in recommendations made but had limited itself to those figure as stated in the paragraphs above. In fact, reports in the form of affidavit filed by the SSC from time to time had always stated that, they discovered the illegalities as were brought to their notice by the litigants or on order of Court.

274. SSC had proceeded to withdraw/cancel the recommendations issued in favour of candidates participating in the 4 categories on the basis that there were manipulations in obtaining the recommendations. SSC had accepted the data

found in the hard disks seized from ex-employee of M/s NYSA namely, Pankaj Bansal by CBI and acted upon it. SSC has filed two applications as noted above for creation of supernumerary post.

Findings on Maintainability

275. Supreme Court in its order dated November 9, 2023 has observed that, the writ petitions have strong attributes of Public Interest Litigation. If one understands a public interest litigation to be a litigation which strives to secure public interest and ensure that the activities of the administration in violation the Constitutional provisions are attended to by the judiciary, then these batch of litigations qualify the definition. The sheer number of candidates involved in the subject selection process and the quantum of illegalities discovered renders the litigations involved as public interest litigations. In view of the magnitude of the illegalities discovered so far with further discoveries yet to be made, we are of the view that, the writ petitions have metamorphized themselves into Public Interest Litigations.

276. It is trite law that, the Court in furtherance of public interest may deem it necessary to enquire into the subject

matter of the litigation in the interest of justice. Court can consider a writ petition filed with a private grievance and treat it as a public interest litigation, if the fact situation so warrants.

277. In view of the events happening subsequent to the filing of writ petitions and in the view of the writ petitions transforming themselves into Public Interest Litigations, and more so in view of the CBI filing charge sheets and supplementary charge sheets in respect of 4 FIRs alleging widespread manipulations in the selection process, the second issue is answered in favour of the writ petitioners and as against the persons opposing the writ petitions. All writ petitions falling with the jurisdiction of this Division Bench to be heard in terms of the order dated November 9, 2023 of the Supreme Court, and the orders of assignment are held to be maintainable.

278. Respective stand of SSC, CBI, ED, State and Board as noted above has established, there were widespread manipulations in the selection process involved. Fraud had been established. At the very least, persons who were not even in the panel were found to have been blessed with appointments. OMR sheets of the candidates have been found

to be manipulated across all four categories. Exact numbers of candidates given appointments, whose OMR sheet have been manipulated in all the four categories are yet to be finally decided.

279. In view of such widespread fraud in a selection process, and such fraud having been discovered subsequent to filing of the writ petition, it cannot be held that any of the writ petitions are not maintainable. The fraud discovered subsequent to the filing of the writ petitions have answered the second issue in favour of the writ petitioners.

280. None of the writ petitioners can be said to have knowledge of the fraud involved which such fraud was discovered subsequently. Therefore, the question of the writ petitioners participating in the selection process with their eyes open and having been unsuccessful therein, not being entitled to file the writ petition challenging the selection process does not arise.

281. In view of the ratio laid down in ***Mohd. Kalimuddin and others (supra), Surinder Singh and others (supra), Raghbir Chand Sharma and another (supra), Virendra Kumar Sharma (supra) B. Valluvan and others (supra). Mohd. Sohrab Khan (supra)*** *and* ***Rajkishore Nanda and***

others (supra), appointments cannot be made subsequent to expiry of the validity period of panel.

282. In the facts of the present case, SSC has placed on record several persons who had been granted appointments subsequent to the expiry of the validity period of panel. Such appointments therefore have to be cancelled and are hereby directed to be so.

283. In view of discussions above, the third issue with regard to the appointment made subsequent to the expiry of the validity period of the panel is answered by holding that, appointments made subsequent to the expiry of the validity period of the panel are null and void.

Certificate Issued under Section 65B of the Evidence Act

284. CBI has filed an affidavit on January 16, 2024 disclosing a certificate dated September 19, 2022 issued under Section 65B of the Evidence Act, 1872 by Mr. Pankaj Bansal with regard to the genuineness of the data contained in the 3 hard disks recovered. Such report has stated that, CBI seized the hard disks containing all the data pertaining to the selection test of all the 4 categories. CBI has produced the three hard disks in Court.

285. Such certificate dated September 19, 2022 is as follows:-

"CERTIFICATE U/S 65B OF INDIAN EVIDENCE ACT, 1872"

It is certified that the information, enclosed herewith in the form of data stored. in:

(i) One WD 2 TB External Hard Disk bearing Serial No. WX71AC82C54A (Copy of which was voluntarily provided to CBI by the undersigned)

(ii) One Seagate Back up plus portable Drive, capacity 1 TB, bearing Serial No.:NA7ZW704 having hash value .SHA1: 28E5D8FBA6A251F41E0BD2CA5A9E1A8A83243944 & MD5 - 304FDD1C49D7D52AC50437F6DB571641 (copy of which was provided to CBI using Tableau TX1 for the purpose of investigation)

(iii) One Seagate BUP Slim RD SCSI Disc device, capacity 1 TB bearing Serial No. NA7XR3VB having hash value SHA1 :- A8387158B2C36759ACB2188FCC9D4B7E905A54D6 & MD5 - 7BE5529279BEFFID74074E5BE98AC3AC (copy of which was provided to CBI using Tableau TX1 for the purpose of investigation)

containing relevant data of WBCSSC pertaining to 1st SLST (AT), 2016 for Class XI-XII, IX-X, Group-C and Group-D; is the original scanned images of OMRs and corresponding data regarding the same for the aforesaid examination.

It is further certified that to the best of my knowledge:

All data including the scanned images of OMRs for the aforesaid examinations were under my exclusive custody throughout and there has been no tampering or manipulation in any of them at any point of time. Said data is the same which was extracted during the scanning process of OMRs of respective examinations at the office of WBCSSC, Acharya

Sadan, Salt Lake Kolkata by M/s Nysa Communications Private Limited.

Authorized signatory:
Sh. Pankaj Bansal
Data Analyst, M/s ND Info Systems Pvt. Ltd."

286. Order of remand dated November 9, 2023 passed by the Supreme Court, in relation to the present matters, has required us to pronounce on the admissibility of the data contained in the three hard disks on the basis of rules of evidence.

287. Issues of admissibility on the data contained in the three hard disks have been raised by the beneficiary of the fraud.

288. None of the Article 12 authorities had ever disputed the genuineness, veracity, authenticity and legality of the data contained in the 3 hard disks seized by the CBI from Mr. Pankaj Bansal at any material point of time. SSC had accepted such data, acted upon it, found manipulations/illegalities in the OMR sheets, proceeded on basis of such findings and withdrew/cancelled recommendations of various candidates. It had utilized such data to arrive at a finding that, OMR sheets had been manipulated and that, marks obtained by candidates

stored in its server were considerably higher than the marks which such candidate could have received on a thorough and proper evaluation of the OMR sheets of such individual candidates found in the hard disks seized by the CBI.

289. The 3 hard disks seized by CBI, had been produced in Court. CBI had granted inspection of documents downloaded from such hard disks, to persons seeking such inspection, pursuant to orders of this Bench. None of the persons taking inspections have contended that, the OMR sheets are not theirs. The OMR sheets bear unique bar code and have several features which distinguish one OMR sheets from the other such as the signature of the candidates as also the invigilator and other aspects.

290. Section 3 of the Evidence Act, 1872 has included electronic records produced for the inspection of the Court as documentary evidence. It has also laid down that a fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

291. Section 58 of the Evidence Act, 1872 has laid down that, facts admitted need not be proved. Section 58 is as follows-

> *"58. Facts admitted need not be proved. – No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings.*
>
> *Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions."*

292. Subsequent to the seizure of the 3 hard disks and subsequent to the certificate dated September 16, 2022, two applications being CAN 2 of 2022 in WPA 5538 of 2022 and CAN 6 of 2022 in WPA 12266 of 2022 had been filed ostensibly by SSC seeking permission to create supernumerary post for the illegal appointees. In those two applications, orders dated November 16, 2022, November 23, 2022 and November 25, 2022 had been passed. In those two applications, Cabinet note of approval to grant supernumerary post had been produced in Court.

293. After the seizure of the 3 hard disks by CBI, the data contained therein had been shared by CBI with SSC. SSC had accepted such data as true and correct. SSC had acted

thereon and proceeded to identify manipulations/illegalities in the recommendations as also appointments. SSC had proceeded to withdraw/cancel the recommendations acting on the basis of the data contained in 3 hard disks seized by CBI. We shall also examine whether the certificate dated September 19, 2022 is in conformity with Section 65B of the Evidence Act, 1872 or not.

294. In our view, the fact that the 3 hard disks contained data relating to the 4 categories of the selection process conducted by SSC had stood proved by SSC and State making admissions with regard thereto in the applications filed in the writ petition and by their conduct.

295. Section 65B of the Evidence Act, 1872 occurs in Chapter-IV while Section 58 occurs in Chapter-III thereof. Chapter-IV of the Evidence Act, 1872 deals with oral evidence.

296. In ***Anvar P.V. (supra)*** Supreme Court has considered provisions of Sections 62, 65A and 65B of the Evidence Act, 1872. It has held that, admissibility of secondary evidence of electronic record depends upon the satisfaction of the conditions as prescribed under Section 64B thereof. It has enumerated the conditions under Section 65B which are required to be satisfied. It has observed that, on the other

hand, if the primary evidence of the electronic record is adduced, that is, the original electronic record itself is produced in Court under Section 62, then the same is admissible in evidence, without compliance with the conditions in Section 65B.

297. In ***Arjun Panditrao Khotkar (supra)***, Supreme Court has held that, production of the certificate under Section 65B(4) of the Evidence Act, 1872 is mandatory but only in case of secondary evidence i.e. where the primary evidence is not led and original is not produced. It has distinguished primary and secondary evidence with regard to electronic records /documents.

298. In ***Ravinder Singh alias Kaku (supra),*** Supreme Court has addressed the issue with regard to admissibility of the electronic records. It has held that, noncompliance with requirement of certification of electronic evidence is not permissible. It has observed that, Section 65B(4) is a mandatory requirement of law.

299. In ***Mohd. Arif (supra)***, Supreme Court has summarized the manner in which the electronic evidence can be introduced under Section 65A and 65B of the Evidence Act,

1872. It has taken note of the principles laid down in ***Anvar P.V. (supra)*** as clarified in ***Arjun Panditrao Khotkar (supra)***.

300. Section 65-B of the Evidence Act, 1872 is as follows: -

> *"65-B Admissibility of electronic records. — (1) Notwithstanding anything contained in this Act, any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer (hereinafter referred to as the computer output) shall be deemed to be also a document, if the conditions mentioned in this Section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence or any contents of the original or of any fact stated therein of which direct evidence would be admissible.*
>
> *(2) The conditions referred to in sub-Section (1) in respect of a computer output shall be the following, namely: -*
>
> *(a) the computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;*
>
> *(b) during the said period, information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities;*
>
> *(c) throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating properly or*

was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and

(d) the information contained in the electronic record reproduces or is derived from such information fed into the computer in the ordinary course of the said activities.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a) of sub-Section (2) was regularly performed by computers, whether –

(a) by a combination of computers operating over that period; or

(b) by different computers operating in succession over that period; or

(c) by different combinations of computers operating in succession over that period; or

(d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers, all the computers used for that purpose during that period shall be treated for the purposes of this Section as constituting a single computer; and references in this Section to a computer shall be construed accordingly.

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this Section, a certificate doing any of the following things, that is to say, -

(a) identifying the electronic record containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

(c) dealing with any of the matters to which the conditions mentioned in sub-Section (2) relate,

and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-Section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this Section, -

(a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(c) a computer output shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment."

301. Section 65B contains a deeming fiction allowing electronic data stored in the electronic devices to be admitted as evidence of, the contents of the original, subject to the cumulative satisfaction of the following conditions: -

(i) computer output was produced by the computer in regular use carried out by a person in lawful custody over the computer.

(ii) information contained was regularly fed into the computer in the ordinary course.

(iii) computer was working properly.

(iv) certificate is signed by a person enjoying a responsible official position.

302. Section 65B of the Evidence Act, 1872 does not prescribe any format of a certificate that has to be issued thereunder. What it prescribes is that, a certificate must conform with the essential requirements of such section. In light of such discussions, we have to consider whether the certificate dated September 16, 2022 is in accordance with Section 65B or not.

303. The certificate dated September 19, 2022 issued by Mr. Pankaj Bansal has stated that he was having exclusive custody of the 3 hard disks. He has also stated that, the data fed therein and the production thereof was what was fed into the hard disk in ordinary course of activity. He has stated that, the 3 hard disks contained relevant data of the selection process pertaining to all the 4 categories and had the original scanned images of OMRs and corresponding data regarding the same in respect of such selection process. He has stated that, such data including the scanned images of the OMR for the selection process had been under his exclusive custody throughout and there has been no tampering, manipulation of any of them at any point of time. He has also stated that such data is the same which was extracted during the scanning process of OMRs of the respective examination at the office of SSC by M/s NYSA.

304. Certificate dated September 16, 2022 had been issued by Mr. Pankaj Bansal as a Data Analyst of ND Info Systems Pvt. Ltd. When he had issued that certificate, he was working in the post and at the organization at that material point of time. His working at such post in the new organization does not militate against the requirements of Section 65B of the

Evidence Act, 1872. In the body of the certificate, he has stated that the three electronic devices contained the necessary data in the electronic format relating to the selection process concerned.

305. CBI has filed several reports in these proceedings. In its report dated February 5, 2024 filed in compliance with the order dated January 24, 2024 passed by us, it has stated as follows: -

> *"3. That during investigation, it was revealed that the West Bengal Central School Service Commission (hereinafter referred to as 'commission' had awarded a work order to M/s Nysa Communication Private Limited ('hereinafter referred to as M/s. NYSA') for scanning and evaluation of OMR answer sheets pertaining to the selection tests of Group – D, Group – C, Assistant Teachers for classes IX – X and XI – XII.*
>
> *4. Investigation has established that Sh. Puneet Kumar was the then Director and Sh. Niladri Das was the then Vice President of the said M.s Nysa Communications Pvt. Ltd. during relevant period. It has been established during investigation that Sh. Niladri Das was in charge of operations in respect of recruitment examinations conducted by WBCSSC and frequently visited the officer of WBCSSC to attend to the actual operational part and did the requisite liaison on behalf of the agency for necessary compliance of the instructions given by WBCSSC. Sh Puneet Kumar, being the Director, mainly looked after the financial affairs of the agency and represented it on records.*
>
> *5. Investigation has established that the scanning of OMR sheets was undertaken by the said M/s Nysa Communication Pvt Ltd at WBCSSC office at Acharya Sadan under direct supervision of Sh*

Niladri Das and in p[resence of WBCSSC officials. It has been further established that M/s NYSA communication Pvt. Ltd. had further given work order w.r.t. scanning the original OMR to M/s Data Scantech Solutions, Noida who remained present on the premises of WBCSSC for the scanning work. After completion of scanning, the precessed data in the form of scanned images of OMRs, scan data etc. were handed over by M/s Data Scantech Solutions to M/s Nysa Communication Pvt Ltd. who took the same to their officer located at Noida in digital form (Hard Disks) leaving the original hard copies of OMR sheets in the office of the WBCSSC, WBCSSC handed over their answer keys in respect of all subjects to M/s Nysa Communications Pvt Ltd for evaluation of OMR responses.

6. That, while scanning the original OMR sheets by M/s Data Scantech Solutions on behalf of M/s Nysa, two ".DAT" files were generated containing SCAN NO., Bar Code, ROLL NO., VENUE CODE, BOOKLET SERIAL NUMBER, SUBJECT CODE, CATEGORY, GENDER, MEDIUM and RESPONSE CODE. In the process of scanning, the image copies of the original OMR sheets were also captured.

7. That, a sample of the ".DAT" file generated during sscaning of one OMR sheet is cited as an example below: -

Bar Code / Scan No	Roll Number	Venue Code	Booklet Serial Number	Subject Code	Category Code	Gender	Medium
1 0 0 0 0 8 9	2 2 2 1 1 6 7 5 0 0 0 1 2 9	2 1 0 1	0 0 0 0 6 9	7 5	0 2	F	1
D D A A E A C	A A A E E A A A D A D D	D A C D	D C E C D E	A	A		D
E E E A A C D	C A C E A C E C E #						

Responses of candidates in the OMR is appearing as Response Code in alphabets, while "#" indicates end of one OMR sheet.

8. That, two such ".DAT" files are generated since scanning is done twice to avoid any technical error. Thereafter, a final ".DAT" file is prepared which is called a clean data file. After receiving the answer keys from Commission, the same is compared with this final ".DAT" file and a "DBF" File is generated having the score of the candidates.

9. That during investigation the server database of the Commission was seized by the Central Bureau of Investigation containing all the data pertaining to selection tests of Group – D, Group – C, Assistant Teachers for classes IX – X and XI – XII.

10. That, during investigation of the case, three hard disks were recovered on 15/16.09.2022 from the residence of Pankaj Bansal, ex-employee of M/s. NYSA, located at Ghaziabad. The certificates dated 16.09.2022 u/s 65-B of Indian Evidence Act, 1872, from Shri. Pankaj Bansal were also obtained, in triplicate, with regard to genuineness of the date contained in these three hard-disks so recovered.

11. That, During investigation, data files containing scanned OMRs, ".DAT" files etc. pertaining to the aforesaid WBCSSC recruitment matters were also seized from M/s Data Scantech Solutions. During investigation of RC-03(A)/2022-Kol, the hash values of these Data files of Scantech Solutions were matched with the hash value of the corresponding files recovered from the hard discs seized from Pankaj Bansal and was found to be matching, which establishes that the data contained in the three hard disks recovered from Pankaj Bansal's possession were not contaminated.

12. That, a similar exercise of matching the data available on the hard disks of Pankaj Bansal with the data seized from the Commission was done during the course of investigation and it was found that there were mismatch between the two, in as much as, the written marks awarded to candidates as available on the server of the commission had been increased to qualify

undeserving candidates. This mismatch establishes that manipulation in marks of written examination in the case of many candidates was resorted to and such candidates were identified. The comparison of these actual/genuine OMR marks with the OMR marks available in WBCSSC Server shows that there is manipulation in 952 nos. of candidates of IX-X, 907 nos. of candidates of XI-XII, 3481 nos. of Gr. C candidates and 2823 nos. of Gr. D candidates.

13. That, during the course of investigation, several emails were found to have been exchanged between the accused officials of the Commission, certain private persons and officials of NYSA. These emails contained lists of candidates, whose OMR marks were found to be increased in the server of the Commission. Besides this, emails have been exchanged between the staff of NYSA themselves containing manipulated data of candidates. This shows the complicity of officials of M/s NYSA in this conspiracy.

14. That, during investigation, it emerged that in the year 2019, Shri Niladri Das of M/s NYSA Communications Pvt Ltd left NYSA and started his own business in name & style of M/s ND Info Systems Pvt Ltd., Noida, and was engaged in the business of Data processing in line of M/s NYSA. The said Niladri Das poached Pankaj Bansal, Kuldeep Singh, Anoy Saha, Muzammil Hossain and others support staff from NYSA.

15. That, it has emerged from the investigation that before leaving NYSA, Niladri Das and his staffs retained all the data pertaining to recruitment examinations of WBCSSC including the data of Group C,D, Assistant Teacher (IX-X, XI – XII) with them. Even after leaving NYSA, Niladri Das, Pankaj Bansal and Muzammil Hossain kept providing assistance to WBCSSC in the matters of RTI on the basis of the data of NYSA which was manipulated and also hosted on the WBCSSC server. This also establishes that Niladri Das, Pankaj Bansal and Muzammil Hossain who were involved in the entire scam and it was in their knowledge that

data has been manipulated and therefore they continued to extend this assistance solely to avoid detection.

16. That, if there would have been no manipulations then the scanned images of OMRs available with WBCSSC were sufficient to respond to RTI queries. Investigation revealed that WBCSSC had destroyed the original OMR sheets and the scanned images of original OMR sheets in the year 2019, which again leads to an inference that the same were destroyed to keep the entire scan under wraps.

17. That, investigation establishes that as a reward for doing aforesaid manipulation in the OMR score, M/s NDISPL of Niladri das was provided work of recruitment of Teachers in Upper Primary conducted by WBCSSC. Apart from this, many other recruitment works were also assigned to Niladri Das by the Government of West Bengal. Various list of candidates related to Upper Primary were communicated to Niladri Das from S P Sinha, Sharmila Mitra, etc. Were found in the email of Niladri Das (niladri@ndispl.com) which shows his criminal conduct.

18. Result of comparison of these electronic records collected from M/s Data Scantech Solutions with that of the hard disks seized from Pankaj Bansal –

(a) As discussed in the preceding paragraphs, the hard disk recovered from Pankaj Bansal contained the marks of written examination, typing test, etc. This marks when compared with marks available in WBCSSC server resulted in the identification of candidates whose marks of written examination, typing test were manipulated.

(b) M/s Data Scantech Solutions made the initial scanned images of OMR's. These scanned images were given to M/s NYSA. Pankaj Bansal retained a copy of these scanned images.

(c) That in connection with candidates of Class IX – X, XI – XII, the scanned image of OMR sheets as collected from M/s Data Scantech Solutions pertaining to the alleged candidates

whose OMR marks were found manipulated were matched with the scanned image of OMR sheets as available in the hard disk of Pankaj Bansal and the same are found identical.

(d) The Response string of candidates pertaining to IX-X and XI- XII as recovered from M/s Data Scantech Solutions matches with the Response String available in the hard disk seized from Pankaj Bansal. On the basis of these response strings the actual/ genuine OMR marks of IX-X and XI-XII candidates were determined. The comparison of these actual/ genuine OMR marks with the OMR marks available in WBCSSC Server shows that there is manipulation in 952 nos. Of candidates of IX-X and 907 nos. of candidates of XI-XII.

(e) The Response string of candidates pertaining to Gr. C & Gr. D as recovered from M/s Data Scantech Solutions matches with the Response String available in the hard disk seized from Pankaj Bansal. On the basis of these response strings the actual/ genuine OMR marks of Gr. C & Gr. D candidates were determined. The comparison of these actual/ genuine OMR marks with the OMR marks available in WBCSSC Server shows that there is manipulation in 3481 nos. of Gr. C candidates and 2823 nos. of Gr. D candidates.

(f) That, the investigation has established the genuineness of the data of hard disks seized from Pankaj Bansal.

19. THAT, in compliance to the solemn order dated 24.01.2024 of this Hon'ble Court, three hard-disks, in original, seized from the residence of Pankaj Bansal along with original certificate dated 16.09.2022 u/s 65-B of Indian Evidence Act, 1872, obtained from Pankaj Bansal are being submitted before this Hon'ble Court. The three hard-disks are in sealed condition. The certificate u/s 65-B of Indian Evidence Act, 1872, in original, obtained from Shri. Pankaj Bansal dated 16.09.2022 is annexed hereto and marked as "Annexure – A".

20. That, Hon'ble Division Bench at High Court at Calcutta in WPA 2613 of 2018 (Basanta Das Vs The State of West Bengal &

Ors) directed CBI on 24.01.2024 for production of the above mentioned three original hard disks seized from Pankaj Bansal and in compliance to such direction all the said three hard disks were returned back by CFSL, Hyderabad in sealed condition and are now being produced with this report.

21. That, the present status of all the above mentioned four recruitment cases of CBI is "disposed –off from investigation", where multiple charge sheets in each such cases have been filed by CBI before the Learned Trial Court, Alipore. The alleged offences of the First Information Reports and the subsequent irregularities found during the course of investigation have been substantiated in all such cases of CBI and all the charge sheets contain the detailed investigation carried out by CBI in such cases."

306. CBI in its reports have detailed how Mr. Pankaj Bansal along with persons in the control and management of M/s NYSA kept the mirror images of the OMR sheets and were providing data as called for from time to time by SSC. SSC, in fact had responded to Right to Information Act applications providing OMR sheets to individual RTI applicants, claiming that such data was in its database. Affidavits filed by writ petitioners have borne out such facts. SSC had provided Anindita Bera, writ petitioner in WPA 5538 of 2022, a copy of OMR sheet in January 18, 2024 from the data stored in SSC data base. Nasrin Khatun who is the writ petitioner in WPA 17273 of 2021 had been supplied OMR sheet on October 12, 2023 by SSC from its database. Setab Uddin, writ petitioner in

WPA 13700 of 2021 had been provided OMR Sheet by SSC on October 18, 2018. All OMR sheets provided are scanned copies. CBI has stated that, when it took possession of the server of SSC, in it did not find any OMR sheets in the database. Obviously, the then persons in control of SSC had utilized the same data as are available in the 3 hard disks from Mr. Pankaj Bansal to provide such information to the RTI applicant.

307. The certificate dated September 16, 2022 issued by Mr. Pankaj Bansal, relates to the data contained in the 3 hard disks. Adherence to the requirement of the Section 65B, in the facts and circumstances of the present case, has to be adjudged on the conduct of the parties to the proceedings. All the relevant parties have admitted the contents of the 3 hard disks and acted on it without any demur. SSC has acknowledged manipulations/illegalities in the recommendations and withdrew/cancelled the same. State has decided at the Cabinet level to grant and create supernumerary posts to accommodate the illegal appointments. Factum, validity, legality, sufficiency, authenticity of the data stored in the seized hard disks has been proved by the conduct and actions of the relevant Article

12 authorities subsequent to the seizure of the 3 hard disks and after CBI had shared such data with the relevant authorities. CBI has given inspection to such of the parties to the proceedings who wanted inspection of the data stored therein, relevant to the party. Claim of custody of the three hard disks from the time to seizure thereof by CBI till inspections given or the data stored therein has not been broken. Insisting on further proof of such data stored in the 3 hard disks seized, for admissible of the same, would be an idle formality. Therefore, it would be improper and a travesty of justice to allow the beneficiaries of the fraud to question the contents of the 3 hard disks. They have questioned the data contained in the 3 hard disks in desperation so that the fraud committed by them remains under wraps.

308. Neither Sections 3 and 58 of the Evidence Act, 1872 on one part and Section 65B thereof on the other, mutually excludes each other. Section 65B of the Evidence Act, 1872 cannot be read to mean that Section 3 or Section 58 of the Evidence Act, 1872 stands excluded. A fact sought to be proved under Section 65B to said to be proved when the Court believes it to exist or considers its existence probable, in lines

of Section 3. A fact which otherwise would attract Section 65B need no further proof if Section 58 conditions are satisfied.

309. In view of the discussions above, the certificate dated September 19, 2022 is held to be in conformity with Section 65B of the Evidence Act, 1872 also and the contents of the three hard disks to which it relates are admissible in evidence. The issue with regard thereto is answered in favour of the writ petitioners and as against the persons opposing the writ petitioners.

Uploading of OMR sheets

310. The order of remand dated September 9, 2023 has permitted uploading of OMR sheets available in the seized hard disks upon a finding being returned with regard to the admissibility of the data contained in such hard disks. Having answered the issue with regard to the admissibility of such data, in favour of the writ petitioners seeking uploading of such OMR sheets in the server of SSC, the fifth issue tabulated in paragraph No. 119 herein, is answered by holding that the OMR sheets available in the seized hard disks be uploaded in the server of SSC in order to compare the same with the final list available in website of SSC. This direction of uploading is

passed so that the transparency of the selection process, or the lack of it, is available in public domain.

Remaining Issues

311. For the sake of convenience, the last four issues are taken up for consideration together. Writ petitions and the orders passed therein from time to time have uncovered a scam in relation to the 2016 selection process in respect of all the 4 categories. CBI has been appointed to investigate with a SIT being constituted by the Court. CBI has registered four cases and filed charge sheets and supplementary charge sheets in all the four cases. SSC has admitted manipulations/illegalities in issuance of recommendations. Appointments have been given by the Board far in access of the recommendations issued in respect of all the 4 categories. The Board could not have issued the appointment letters without the recommendations.

Options available

312. In the factual context of the present proceedings, we have three options to explore, namely: -

i) Dismiss the writ petitions on the ground of maintainability; or

ii) Explore the possibility of segregating the valid appointments from the illegal ones; or

iii) Set aside the selection made in the selection process in its entirety.

First Option

313. First option noted above is no longer available to us in view of the decision rendered by us on the issue of maintainability of the writ petitions by us.

Second Option

314. So far as the second option is concerned few authorities have been cited at the bar on such subject.

315. In ***A. Kalaimani and others (supra)***, the selecting authority had cancelled the entire selection process. Which was challenged. Supreme Court has noted the previous authorities on the subject which were of the view that there is a vast difference in the cancellation of examination prior to the selection and the termination of services of appointed persons. In facts of that case, the selecting authority had initially conducted an inquiry on its own regarding the allegations

pertaining to manipulation of the OMR sheets. Selecting Authority had found that a few people benefited due to the tampering of the OMR sheets. On a deeper scrutiny sufficient material had been found against 196 persons who were beneficiaries of the fraud in the alteration of marks. The Selecting Authority had been convinced that there were chances of more people being involved in the manipulation of marks for which reason a decision to cancel the entire examination. Such decision of the selecting authority had been upheld.

316. ***A. Kalaimani and others (supra)*** has observed that, a bonafide decision taken by the Selecting Authority to instill confidence regarding the integrity of the selection process could not have been interfered with by the High Court. More so, sufficiency of the material on the basis of which a decision had been taken by an authority is not within the purview of the High Court in exercising its power of judicial review.

317. ***Inderpreet Singh Kahlon (supra)*** has held that, only in the event it is found to be impossible or highly improbable to separate tainted cases from the non-tainted ones, could en masse orders of termination be issued. It has reviewed various authorities on the subject at that point of time. It has noticed

that, cases where the selection process was perceived to be tainted may be categorised into 4 classes. First being where the event has been investigated. Second being where CBI enquiry had taken place and completed or a preliminary investigation was concluded. Third where the selection had been made but appointment not made and fourth where the candidates were also ineligible and the appointments were found to be contrary to law or rules.

318. ***Inderpreet Singh Kahlon (supra)*** has observed that, if after appointment, the services are required to be terminated then, 3 principles must be satisfied. Firstly, it has to be established satisfactorily that there are sufficient materials to arrive at the finding that the selection process was tainted. Secondly, sufficient materials have been gathered by a thorough investigation in a fair and transparent matter determining the question of the illegalities committed going to the root of the matter. Thirdly, sufficient materials exist to arrive at a finding that the appointees had been found to be part of the fraudulent purpose or the system itself was corrupt. It is also observed that an appointment made in violation of Articles 14 and 16 of the Constitution of India would be void. It would be a nullity.

319. In ***Rajesh P.U. Puthuvalnikathu and another (supra)***, the authorities had cancelled the entire selection process. Supreme Court in the facts of the that case has found that, there is no justification to cancel the entire selection when the impact of irregularities into the evaluation on merits could be identified specifically and was found. In the facts of that case, on a reconsideration of the entire records, it was found that the selection process had resulted in 31 specific numbers of candidates being selected undeservedly. In such circumstances, Supreme Court has observed that, in absence of any specific and categorical finding supported by any concrete and relevant materials that widespread infirmity of all pervasive nature existed which could be said to undermine the very process itself in its entirety or as whole and it was impossible to weed out the beneficiaries of one or other irregularities or illegalities, there was hardly any justification in law to deny appointment to other selected candidates whose selections were not vitiated.

320. The authorities noted above have observed that cancellation of a selection process without appointment being given therein stands on a different footing than a selection process where appointments had been granted. In the second

category Courts must shift the grains from the chaff, if possible. In the event it is impossible or highly improbable to shift the grain from the chaff then the Court may venture to cancel the entire selection process. Prior to embarking upon such an exercise, it must be satisfied that, the selection process was tainted on the basis of cogent materials. There must be sufficient materials gathered through a thorough investigation that there had been illegalities in the selection process. The appointees had benefited out of the illegalities and were a part of it and that the appointments made were contrary to law.

321. In respect of the 4 categories of the selection process involved, written examination has been held. Written examination was in the form of OMR sheets. Original OMR sheets have been destroyed by SSC. Mirror image of the destroyed OMR sheets was required to have been preserved by SSC. CBI had seized the server of SSC and did not find mirror image of such OMR sheets in the server of SSC.

322. SSC is an authority within the meaning of Article 12 of the Constitution and have been enjoined with the task of undertaking the selection process. Last report of CBI has stated that, SSC appointed M/s NYSA for the purpose of

scanning and evaluation the OMR sheets. M/s NYSA had engaged another organization namely, Data Scantech to do so. It is unclear as to whether, the new agency had merely scanned the OMR sheets or was instrumental in evaluating the same also or not. Chairman of SSC, in response to a query of the Court, has stated that, he was not aware of the engagement of Data Scantech in the selection process and that, in fact, he became aware of such name only from the Court, for the first time. No material has been disclosed as to who authorized M/s. NYSA to engage Data Scantech or that such instrumentality was lawfully engaged by SSC.

323. Significantly, it is the claim of SSC that scanning of the OMR sheets had taken place at its office. If that be so, then, SSC had knowingly allowed another organisation to scan the OMR sheets, namely, Data Scantech who was not authorised at all. These raises serious questions as to the integrity, sanctity and validity of the entire selection process and giving to the root of the selection process. The evaluator of the selection process had been selected through a process which, at best, shrouded in mystery if not downright illegal. Then the conduct of such evaluator is such that it affects the validity of the process of evaluation itself.

324. Significantly, M/s NYSA had been appointed without an open tender. SSC had selected M/s. NYSA ostensibly on the ground of it being the lowest tenderer from amongst a chosen few who were asked to participate. The parameters/qualification required to participate remains undisclosed despite request being made in Court to SSC. No explanation has been provided by SSC in course of the hearing as to how and why such a course of action had been undertaken in identifying the instrumentality who was to scan and evaluate the OMR sheets. Documents that had been made available on record does not suggest that, competency, efficiency and whether M/s NYSA has the requisite expertise to undertake such exercise was not considered by SSC at all. Letter of appointment of M/s NYSA contains only two lines which requires M/s NYSA to scan and evaluate the OMR sheets. No other terms and conditions of the appointment have been specified. The appointment letter has been received by one employee of M/s NYSA from the office of SSC.

325. SSC had destroyed the original OMR sheets ostensibly by keeping mirror image thereof in its server. CBI did not find those mirror images in the server of SSC. These facts have effectively ruled out an exercise of shifting the grains from the

chaff. The non-cooperative stand of SSC, State and Board had added to the burden.

326. The entire selection process is shrouded in such mystery and in such layers that it is difficult to fathom the quantum of illegalities performed. That illegalities had vitiated the selection process of M/s. NYSA stands established. We have discussed the illegalities, so far discovered, vitiating the selection process in course of our discussions herein and will tabulate the same hereafter.

327. The plausible inference from the materials made available on record and the conduct of the relevant parties is that, the entire machinery was devised for the purpose of effectuating a scam which will be hard to discover and even if discovered difficult to prove. Appointment of M/s. NYSA, destruction of original OMR and non-availability of mirror images of OMR are some of the crucial points in the fraud that came to be perpetuated in the selection process. As noted above, in course of hearing all these matters, SSC, State and Board have perseveringly non-cooperated so that even the possibility of trying to separate the grains from the chaff could be rendered nugatory.

328. What has been produced by the selection process is not a cereal comprising of grains and chaff capable of segregation but a product unfit for human consumption. Fraud perpetrated and perpetuated is deep and pervasive. Any attempt to shift the proverbial grain from the chaff would be an unprofitable exercise, prolonging the agony and would put premium on dishonesty.

329. In the facts of the present case, blank OMR sheets have been submitted and such candidates have been shown to have scored sufficiently higher number so as to be recommended for appointment and ultimately given an appointment. The exact nature of candidates fraudulently given the appointments cannot be identified, more so, in view of the attitude of noncooperation exhibited by SSC. There are other manipulations/illegalities in the selection process which have come to light. Again, exact number of persons who have benefited out of such manipulations and illegalities in the selection process cannot be identified in its entirety. Some have been identified. Identification of some is such that in respect of Group-D appointments, 48 % has been found to be obtained by manipulations/illegalities. The percentages of manipulated/illegally appointed persons across the other three

categories are on a reducing scale compared to Group-D but none the less sufficiently significant to question the validity of the entire selection process.

Third Option

330. In such circumstances, with the possibility of the second option of attempting to shift the grain from the chaff becoming inconsequential, we are left with the only option of cancelling all appointments in the four categories of the selection process involved.

331. We have given anxious consideration to the passionate plea that persons who had obtained the appointments legally would be prejudiced, if we cancel the entire selection process. The other two options being ruled out for the reasons noted above we have hardly been left with a choice. We would rather have persons of integrity appointed as teachers through an untainted selection process rather than expose students to elements securing appointments through an unscrupulous selection process. Retaining appointees selected through such a dubious process would be contrary to public interest. By dint of the tenure of service of such appointees, successive generations of students would be exposed to these elements

which would be counterproductive to public and national interest. Individual interest should yield to public interest.

332. Right to education has been recognized as part of fundamental right to life guaranteed under Article 21 of the Constitution of India. Right to education as a fundamental right would entail a right to receive education from duly qualified personnel. The selection process concerned does not inspire any confidence to hold that, appointed persons had been selected in a fair and transparent manner. The selection process was so mired that it was incapable of throwing up, the best in accordance with merit, from amongst the participants. Persons submitting blank OMR sheets had secured appointments, amongst other stark illegalities.

333. We are therefore constrained to hold that since the entire selection process is vitiated, all appointments given thereunder are required to be cancelled. All appointments granted thereunder are declared null and void.

334. In view of our finding that, the entire selection process stands vitiated and the appointments granted therein, has to be cancelled, issue No. vi need not be answered. Similarly, we need not detain ourselves, in the facts and circumstances of the present case, after having held that the entire selection

process stands vitiated and the appointments stands terminated, to answer issue Nos. vii and viii of paragraph 119. Suffice it to say that, appointments that have been granted in violations of Articles 14 and 16 of the Constitution of India are nullity and void ab initio.

Illegalities in the selection process

335. The evidence placed before us have established the following illegalities in the selection process: –

(i) SSC had appointed an agency namely M/s. NYSA for the purpose of scanning and evaluating the OMR sheets by a closed-door tender process in violation of Articles 14 and 16 of the Constitution of India

(ii) such agency had engaged another agency namely, Data Scantech to scan the OMR sheets

(iii) although scanning was done at the office premises of SSC, it is claimed by SSC that, SSC had never engaged Data Scantech to scan the OMR sheets or authorised M/s. NYSA to engage Data Scantech or any other agency

(iv) SSC had destroyed the original OMR sheet ostensibly with scanned mirror image thereof being preserved in its server

(v) CBI did not find any scanned mirror image of OMR sheets in the server of SSC

(vi) OMR sheets had been destroyed without the scanned mirror images being preserved in the server of SSC

(vii) SSC had provided scanned OMR sheets to RTI applicants in the year 2018 till 2023 claiming that such OMR sheets were from its database although, CBI did not find any OMR sheets in the server of SSC

(viii) appointments higher than the declared vacancies had been given in respect of all 4 categories

(ix) appointments had been given to persons who were not even in the panel

(x) appointments had been given to persons who submitted blank OMR sheets

(xi) appointments had been given persons after expiry of the panel

(xii) persons placed lower in rank had been given appointment in preference to persons placed higher in rank in the merit list

(xiii) merit list containing the marks obtained by the respective candidates had never been published

(xiv) counselling had been held subsequent to the expiry of the panel

(xv) total beneficiaries of the illegalities are yet to be identified and rendered improbable given the stand of SSC, Board and State

(xvi) SSC had applied for permission to create supernumerary posts to accommodate the illegal appointees

(xvii) Recruitment Rules governing the four categories had never been adhered to either in letter or spirit

336. These illegalities have been established by Justice Bag Committee Report, Reports and affidavits of SSC, Reports and affidavits of CBI as well as conduct of State.

337. These established illegalities, singularly and cumulatively have demarcated the contours for the Court to nagivate with regard to the reliefs ordained.

Reliefs

338. Having decided on the issues raised, and the illegalities committed in the selection process we have to now consider the reliefs warranted in the factual matrix. In considering the reliefs that may be granted, we have to take into consideration the objections raised on behalf of the persons opposing the writ petition that, reliefs beyond the pleadings and the prayers of the writ petition should not be granted. We have to bear in mind that the reliefs granted should be of such nature so as act as a disincentive if not deterrence for the sordid saga replaying itself in any manner or form.

339. Although, the ordinary rule is that the rights of the party stand crystallized on the date of institution of the proceedings, yet the Court has powers to mold the reliefs should the reliefs originally claimed by reason of subsequent events becomes inappropriate or cannot be granted. Courts can also mold the reliefs when, if a note is taken of the subsequent events, the litigation between the parties would be shortened. All that is required in such circumstances is that the subsequent event is brought to the notice of the parties and the Court so that the parties are not taken by surprise.

Courts have bounden duty not to ignore subsequent events which have occurred during the pendency of lis, when such subsequent events are brought to the notice of the Court by the parties.

340. In the facts of the present case, the writ petitioners had approached the writ Court primarily to secure employment for themselves. Orders had been passed in the writ petitions; an investigation had been carried out by CBI which disclosed a scam of an epic proportions. Order of investigation through CBI has not been interfered with by the Supreme Court. CBI has registered four cases, filed charge sheets and supplementary charge sheets therein. State has taken into consideration the subsequent events and at the level of the Cabinet decided to create supernumerary post for persons who had been granted appointments illegally. Therefore, we are obligated to take into consideration the subsequent events, mold the reliefs that the parties are entitled to. We have to provide substantial justice between the parties, take cognizance of the subsequent events and grant such relief as is just and proper.

341. ***S.S. Sharma and others (supra)*** has held that, Court should ordinarily insist on the parties being confined to their

specific written pleadings and should not be permitted to deviate from them by way of modification or supplementation except through the well-known process of formally applying for amendment.

342. ***S. Vasudeva and others (supra)*** has held that, the High Court should not travel beyond the scope of the writ petition. In the facts of that case, justification in the allotment as done by the authorities was found by the Supreme Court.

343. In ***V.K. Majotra and others (supra),*** the Supreme Court has held that, the High Court overstepped the jurisdiction in issuing directions to non-parties and considering questions which were not raised. The Court had overstepped its jurisdiction in giving a direction beyond the pleadings or the points raised by the parties during the course of the arguments. It has also observed that, if additional points are raised then the concerned parties likely to be affected should be put on notice on such additional points to satisfy the principle of natural justice.

344. In the facts of the case of the ***Ajay Dogra and others (supra)***, the Supreme Court has held that, the High Court was incorrect in issuing direction for relaxation of recruitment rule going beyond the pleadings.

345. In a challenge thrown to a land acquisition proceeding, Supreme Court in ***K.N. Farms and Industries Private Limited (supra),*** has held that, multiple writ petitions and particularly when the pleadings and reliefs claimed in the first writ petition affects the subsequent ones more so when there was delay and laches with the claim being hopelessly barred, the writ petition should be held to be not maintainable.

346. Authorities cited at the bar with regard to grant of reliefs beyond pleadings have not stated, that, there is complete embargo on the Court taking note of the subsequent events and moulding the reliefs so as to render complete justice to the parties.

347. The events that had occurred subsequently are largely results of investigations conducted by the CBI and ED which has brought forth the scam. It would be putting premium on dishonesty should the Court decide to ignore such subsequent events on the plea that the same has not been raised by the writ petitioners in the writ petitions at the time when they had filed the writ petitions. It is not the case of opposing parties to the writ petitions that, the writ petitioners had known about the nature, extent and scope of the scam that had come to light during the pendency of the writ petitions. None of the

parties to the proceedings has been taken by surprise with regard to the materials that have been brought on the record in the sense that, all the parties are aware of at least the stand of the State, CBI and SSC with regard to selection process in question. All candidates who had received appointments through the selection process had been informed by the State as to the pendency of the proceedings pursuant to our order.

348. While deciding on the reliefs that should be granted, we have to take in consideration the fact that, the selection processes were for teaching and non-teaching staff in respect of State Funded Educational Institutions. A school is a place where a ward is sent for holistic development. A school imparts education that prepares a child for his/her onward journey in life. It is imperative that the child is placed in company of persons who are not tainted.

349. Since time immemorial, every civilization has placed teachers at a pedestal of reverence. They are role models which every student by reason of they being of impressionable age have always tried to emulate. Law has recognized that teachers step into the shoes of loco parentis of the ward once the ward is placed in the educational institution. Teachers have the onerous task of inculcating values in the students. They have

the task of creating and maintaining a pristine atmosphere around a student so as to nurture the creativity of the student. It would be naïve to except such qualities from persons obtaining employment by dubious means.

350. Educational institutions have been admired, accorded special place in the society and have been ring fenced against the ills that may befall the society. Civilizations have made such attempts so that, the future generation develops in an environment conducive for attaining the dreams of an individual student and caters to the holistic development of the student. Educational Institutions are expected to produce better and evolved citizens who would be a in position to contribute to the society, nation and to mankind. Parents put their wards into educational institutions with the expectation that, such educational institution imparts a level of education so as to assist the wards to develop into a better human being.

351. Human beings are in control of any educational institution, as in other institutions. If the teacher and the non-teaching staff of such educational institution, or even a portion thereof, obtains appointments fraudulently, such teacher or nonteaching staff immediately forfeits his integrity, honesty and his ability to impart wholesome education to a child in

such an educational institution. An educational institution must be protected against such elements attempting to percolate, let alone permeate into it. It is therefore, imperative and in the beneficial interest of the society that such elements are removed from an educational institution.

352. SSC had filed CAN 2 of 2022 in WPA 5538 of 2022 and CAN 6 of 2022 in WPA 5406 of 2022 seeking permission for creation of supernumerary posts for the illegal appointees. When objected to by the writ petitioner, SSC had sought to withdraw such applications. Learned Single Judge had declined the request for withdrawal by the order dated November 24, 2022. A Special Leave Petition had been preferred where; an order dated November 25, 2022 had been passed.

353. In the two applications noted above, the learned Single Judge had directed CBI to undertake investigations in respect of the creation of supernumerary posts. Division Bench had refused to stay such directions. Supreme Court had, by the order dated November 25, 2022, stayed such direction.

354. Stay granted by the Supreme Court on November 25, 2022 was against the interim order passed in the pending writ petitions. Lest it be contended that, we have not directed

measures to be taken in respect of the creation of the supernumerary post, on final hearing of the writ petitions and the appeals, we deem it appropriate to pass necessary directions with regard thereto also.

355. Investigation by CBI, with regard to the creation of supernumerary posts is imperative to bring to light, the nature and extent of the scam and persons that are involved therein. It is shocking that, at the level of the cabinet of the State Government, decision is taken to protect employment obtained fraudulently in a selection process conducted by SSC for State Funded Schools, knowing fully well that, such appointments were obtained beyond the panel and after expiry of the panel, at the bare minimum.

356. The enormity of such wrong doing is accentuated by the fact that the illegal appointments are sought to be confirmed in educational institutions. Persons involved in such decision-making process therefore have exposed children to persons who obtained their employment through fraudulent means.

357. Unless there is a deep and pervasive connection between the persons perpetuating the fraud and the beneficiaries thereof with persons involved in the decision-

making process such course of action in resolving to create supernumerary posts to protect illegal appointments is inconceivable. Moreover, each of the persons involved acted in violation Articles 14 and 16 of the Constitution of India. Whether such violations have resulted in criminal liability should be investigated into.

358. Since at least a portion of the beneficiaries of the scam that is to say that, some of the persons who were appointed beyond the panel and after expiry of the panel and appointees submitting blank OMR sheets, stands identified, it would be appropriate to direct such persons to return the benefits and usufructs they received through fraudulent means. These are proceeds of crime. Therefore, we propose to issue directions for return and recovery thereof.

359. Their role in the entire episode should also be investigated into. Consequently, we propose to issue directions with regard thereto also. It is imperative that their role is also investigated into so as to identify, if possible, the manner in which, the fraud came to be executed.

Exception

360. During the pendency of these proceedings, learned single Judge had taken note of the plight of one candidate

namely, Ms. Soma Das and directed registration of a writ petition being WPA 6836 of 2022 with regard thereto. Ms. Soma Das had subsequently filed WPA 6942 of 2022 in which an order dated April 18, 2022 was passed by the learned single Judge. There, the learned single Judge had taken note of the medical condition of Ms. Soma Das and requested the State Government to consider providing her an employment purely on humanitarian grounds.

361. In course of hearing of the matters, before us, it has been submitted that, Court should make an exception so far as Ms. Soma Das is concerned since, her appointment was purely on humanitarian grounds.

362. We have considered the order dated April 18, 2022 passed in WPA 6942 of 2022 and find that, request for consideration of appointment of Ms. Soma Das was made purely on humanitarian grounds due to the medical conditions of such person. Ms. Soma Das had been granted appointment by the State Government purely on humanitarian grounds. Consequently, we propose not to disturb her appointment as, the State had granted her appointment on humanitarian grounds. She will stand outside the directions issued hereafter.

Directions

363. In view of the discussions above, we issue the following directions: -

(i) Writ petitions appearing in the monthly list of March, 2024 of this Bench, which are not filed and numbered in the years 2021 and 2022 are released from the list due to lack of jurisdiction/determination.

(ii) All appointments granted in the selection processes involved being violative of Articles 14 and 16 of the Constitution of India, are declared null and void and cancelled.

(iii) OMR sheets available in the three hard disks, if not already done or such portion not done, must be uploaded in the website of SSC forthwith and made available to the public for viewing.

(iv) Persons who had been appointed outside the panel, after expiry of the panel as also those who submitted blank OMR sheets but obtained appointments, must return all remunerations and benefits received by them to the State exchequer along with interest

calculated at 12 percent per annum, from the date of receipt thereof till deposit, within a period of four weeks from date.

(v) In default, the District Magistrates under whose jurisdictions, such candidates reside, will take expeditious steps to realize such amount from such persons, as arrears of land revenue and shall ensure that recovery is made within a period of six weeks of the date of initiation of proceeding for recovery.

(vi) Respective District Inspectors of School will report to the respective District Magistrates as to whether money directed to be paid by the persons concerned have been paid to the State exchequer or not.

(vii) CBI will undertake further investigation in respect of all the four cases. CBI will interrogate all persons who had received appointments beyond the panel, after expiry of the panel and after submitting blank OMR sheets. If necessary, CBI shall undertake custodial interrogation in respect of each of them.

(viii) CBI will undertake further investigations with regard to the persons involved, in the State Government approving creation of supernumerary post to

accommodate illegal appointments. If necessary, CBI will undertake custodial interrogation of such person involved.

(ix) CBI shall submit its reports with regard to further investigations as directed herein, preferably within three months from date, with the jurisdictional Court.

(x) Leave granted to SIT to seek appropriate directions so that the investigations and trials come to their logical conclusions.

(xi) SSC shall undertake a fresh selection process in respect the declared vacancies involved in these selection processes prefereably within a fortnight from the date of declaration of results of the ensuing elections.

(xii) Appointments for preparation, evaluation and scanning of OMR sheets shall be made by SSC by open tender and after declaring the eligibility citeria and other terms and conditions of the contract.

(xiii) SSC shall follow the Rules governing the selection processes in letter and spirit.

(xiv) SSC shall make available all policy decisions with regard to compliance of the Recruitment Rules governing any of the categories of the selection process in its website.

Conclusion

364. WPA 7592 of 2021, WPA 8003 of 2021, WPA 8264 of 2021, WPA 10938 of 2021, WPA 10947 of 2021, WPA 10949 of 2021, WPA 10960 of 2021, WPA 13700 of 2021, WPA 13701 of 2021, WPA 13721 of 2021, WPA 13727 of 2021, WPA 13863 of 2021, WPA 13885 of 2021, WPA 15137 of 2021, WPA 15154 of 2021, WPA 16443 of 2021, WPA 16444 of 2021, WPA 16448 of 2021, WPA 16450 of 2021, WPA 16476 of 2021, WPA 16481 of 2021, WPA 16484 of 2021, WPA 16487 of 2021, WPA 16489 of 2021, WPA 16505 of 2021, WPA 16519 of 2021, WPA 16858 of 2021, WPA 16859 of 2021, WPA 16860 of 2021, WPA 16879 of 2021, WPA 16880 of 2021, WPA 16889 of 2021, WPA 16896 of 2021, WPA 16902 of 2021, WPA 16930 of 2021, WPA 16948 of 2021, WPA 16960 of 2021, WPA 16968 of 2021, WPA 17273 of 2021, WPA 18379 of 2021, WPA 18381 of 2021, WPA 18383 of 2021, WPA 18385 of 2021, WPA 18387 of 2021, WPA 18388 of 2021, WPA 18460 of 2021, WPA 18470 of 2021, WPA 18487 of

2021, WPA 18491 of 2021, WPA 18496 of 2021, WPA 18499 of 2021, WPA 18801 of 2021, WPA 18994 of 2021, WPA 19475 of 2021, WPA 18995 of 2021, WPA 19477 of 2021, WPA 19478 of 2021, WPA 19580 of 2021, WPA 20906 of 2021, WPA 21258 of 2021, WPA 21261 of 2021, WPA 21263 of 2021, WPA 21266 of 2021, WPA 21267 of 2021, WPA 21268 of 2021, WPA 21317 of 2021, WPA 21430 of 2021, WPA 3665 of 2021, WPA 10772 of 2021, WPA 12266 of 2021, WPA 17068 of 2021, WPA 18585 of 2021, WPA 19977 of 2021, WPA 20070 of 2021, WPA 3654 of 2021, WPA 10764 of 2021, WPA 12270 of 2021, WPA 17048 of 2021, WPA 18589 of 2021, WPA 18590 of 2021, WPA 18593 of 2021, WPA 19975 of 2021, WPA 2898 of 2021, WPA 2903 of 2021, WPA 7982 of 2021, WPA 8266 of 2021, WPA 10316 of 2021, WPA 10929 of 2021, WPA 16936 of 2021, WPA 18475 of 2021, WPA 19000 of 2021, WPA 21312 of 2021, WPA 21386 of 2021 along with all other connected applications are disposed of accordingly.

365. WPA 781 of 2022, WPA 1618 of 2022, WPA 5538 of 2022, WPA 5786 of 2022, WPA 5788 of 2022, WPA 6550 of 2022, WPA 7346 of 2022, WPA 7347 of 2022, WPA 8059 of 2022, WPA 16935 of 2022, WPA 20389 of 2022, WPA 21332 of 2022, WPA 21334 of 2022, WPA 21340 of 2022, WPA 21344 of

2022, WPA 21346 of 2022, WPA 21349 of 2022, WPA 21350 of 2022, WPA 25380 of 2022, WPA 26770 of 2022, WPA 27886 of 2022, WPA 28197 of 2022, WPA 6754 of 2022,WPA 8598 of 2022, WPA 10211 of 2022, WPA 14630 of 2022, WPA 14670 of 2022, WPA 15359 of 2022, WPA 19053 of 2022, WPA 19916 of 2022, WPA 20028 of 2022, WPA 27164 of 2022, WPA 27166 of 2022, WPA 27168 of 2022, WPA 8614 of 2022, WPA 10213 of 2022, WPA 14525 of 2022, WPA 14634 of 2022, WPA 15360 of 2022, WPA 17340 of 2022, WPA 19060 of 2022, WPA 20030 of 2022, WPA 27161 of 2022, WPA 1637 of 2022, WPA 5405 of 2022, WPA 5406 of 2022, WPA 13431 of 2022, WPA 22845 of 2022, WPA 25379 of 2022, WPA 26756 of 2022, WPA 27457 of 2022 along with all other connected applications are disposed of accordingly.

366. WPA 30649 of 2016, WPA 30653 of 2016, WPA 30065 of 2017, WPA 2613 of 2018, WPA 22522 of 2018, WPA 22523 of 2018, WPA 22550 of 2018, WPA 22773 of 2018, WPA 22780 of 2018, WPA 22782 of 2018, WPA 22785 of 2018, WPA 22973 of 2018, WPA 13113 of 2018, WPA 18034 of 2018, WPA 12662 of 2018, WPA 13105 of 2018, WPA 22777 of 2018, WPA 22971 of 2018, WPA 16844 of 2019, WPA 18355 of 2019, WPA 19273 of 2019, WPA 19278 of 2019, WPA 19749 of 2019, WPA 20404

of 2019, WPA 20776 of 2019, WPA 20778 of 2019, WPA 21665 of 2019, WPA 18100 of 2019, WPA 18627 of 2019, WPA 20045 of 2019, WPA 21923 of 2019, WPA 22119 of 2019, WPA 23259 of 2019, WPA 23454 of 2019, WPA 23946 of 2019, WPA 20034 of 2019, WPA 20022 of 2019, WPA 20029 of 2019, WPA 20039 of 2019, WPA 18352 of 2019, WPA 21154 of 2019, WPA 22076 of 2019, WPA 23064 of 2019, WPA 23480 of 2019, WPA 23481 of 2019, WPA 4835 of 2020, WPA 8078 of 2020, WPA 8555 of 2020, WPA 11455 of 2020, WPA 3476 of 2020, WPA 6887 of 2020, WPA 7425 of 2020, WPA 7616 of 2020, WPA 7630 of 2020, WPA 8536 of 2020, WPA 362 of 2023, WPA 1062 of 2023, WPA 1066 of 2023, WPA 1070 of 2023, WPA 1072 of 2023, WPA 1075 of 2023, WPA 1369 of 2023, WPA 1466 of 2023, WPA 3771 of 2023, WPA 4206 of 2023, WPA 4841 of 2023, WPA 4989 of 2023, WPA 5087 of 2023, WPA 5379 of 2023, WPA 5604 of 2023, WPA 5609 of 2023, WPA 2081 of 2023, WPA 2149 of 2023, WPA 2151 of 2023, WPA 2154 of 2023, WPA 2172 of 2023, WPA 2175 of 2023, WPA 2179 of 2023, WPA 2182 of 2023, WPA 2215 of 2023, WPA 2496 of 2023, WPA 2760 of 2023, WPA 2967 of 2023, WPA 2984 of 2023, WPA 3126 of 2023, WPA 3399 of 2023, WPA 3652 of 2023, WPA 3658 of 2023, WPA 3661 of 2023, WPA 3664 of

2023, WPA 3666 of 2023, WPA 3846 of 2023, WPA 3859 of 2023, WPA 3926 of 2023, WPA 3931 of 2023, WPA 3935 of 2023, WPA 3990 of 2023, WPA 4117 of 2023, WPA 4213 of 2023, WPA 4313 of 2023, WPA 4522 of 2023, WPA 4556 of 2023, WPA 5134 of 2023, WPA 5464 of 2023, WPA 5526 of 2023, WPA 5531 of 2023, WPA 5797 of 2023, WPA 5799 of 2023, WPA 5953 of 2023, WPA 6164 of 2023, WPA 6210 of 2023, WPA 6213 of 2023, WPA 6282 of 2023, WPA 6577 of 2023, WPA 6854 of 2023, WPA 6859 of 2023, WPA 6915 of 2023, WPA 7370 of 2023, WPA 7528 of 2023, WPA 7831 of 2023, WPA 7952 of 2023, WPA 9105 of 2023, WPA 9327 of 2023, WPA 10387 of 2023, WPA 10614 of 2023, WPA 12557 of 2023, WPA 13588 of 2023, WPA 14824 of 2023, WPA 17679 of 2023, WPA 18401 of 2023, WPA 19126 of 2023, WPA 19604 of 2023, WPA 19605 of 2023, WPA 19869 of 2023, WPA 21000 of 2023, WPA 21211 of 2023, WPA 22796 of 2023, WPA 23761 of 2023, WPA 24247 of 2023, WPA 26848 of 2023, WPA 160 of 2023, WPA 1079 of 2023, WPA 1080 of 2023, WPA 1083 of 2023, WPA 1086 of 2023, WPA 2077 of 2023, WPA 2511 of 2023, WPA 2982 of 2023, WPA 3463 of 2023, WPA 4519 of 2023, WPA 4715 of 2023, WPA 7031 of 2023, WPA 9315 of 2023, WPA 10617 of 2023, WPA 10724 of 2023, WPA 14104 of

2023, WPA 18400 of 2023, WPA 21210 of 2023, WPA 21999 of 2023, WPA 22860 of 2023, WPA 23204 of 2023, WPA 23652 of 2023, WPA 24930 of 2023, WPA 25669 of 2023, WPA 366 of 2024 along with all connected applications are released from the list.

367. So far as the appeals are concerned, all appeals emanating out of orders passed by the learned Single Judge in writ petitions filed in 2021 and 2022 are disposed of in terms of the directions passed herein. Appeals arising out of orders passed by the larned Single Judge in writ petitions other than writ petitions filed in 2021 and 2022 are released from the list.

368. MAT 85 of 2023, MAT 124 of 2023, MAT 245 of 2023, MAT 290 of 2023, MAT 304 of 2023, MAT 250 of 2023, MAT 259 of 2023, MAT 274 of 2023, MAT 275 of 2023, MAT 276 of 2023, MAT 284 of 2023, MAT 318 of 2023, MAT 336 of 2023, MAT 334 of 2023, MAT 338 of 2023, MAT 342 of 2023, MAT 343 of 2023, MAT 344 of 2023, MAT 345 of 2023, MAT 346 of 2023, MAT 358 of 2023, MAT 359 of 2023, MAT 361 of 2023, MAT 382 of 2023, MAT 443 of 2023, MAT 457 of 2023, MAT 458 of 2023, MAT 476 of 2023, MAT 502 of 2023, MAT 470 of 2023, MAT 480 of 2023, MAT 521 of 2023, MAT 199 of 2023, MAT 950 of 2023, MAT 1302 of 2023, MAT 1304 of 2023 along

with all other connected applications are disposed of accordingly.

369. MAT 244 of 2023 and MAT 557 of 2023 along with all other connected applications are released from the list.

[DEBANGSU BASAK, J.]

370. I agree.

[MD. SHABBAR RASHIDI, J.]

Later :-

Learned advocates opposing the writ petitions as also learned advocate appearing for SSC have prayed for stay of the operation of the judgement and order.

Learned Senior Advocate appearing for the writ petitioners and learned Additional Solicitor General for CBI have opposed the prayer for stay.

We have considered the respective submissions.

We have passed our judgement and order where we have found the appointments to be in violation of the constitutional provisions.

In such circumstances, we are unable to accede to the prayer for stay.

Department will take steps to have the judgement and order bound in an appropriate form.

[DEBANGSU BASAK, J.]

I agree.

[MD. SHABBAR RASHIDI, J.]