

Court No. 17

WPA 12266 of 2021

16.11.2022

Sandeep Prasad & Ors.

(AD 435,
436 and
440)

Vs.

The State of West Bengal & Ors.

(S. Banerjee/
S.A.)

with

CAN 1 of 2021

CAN 2 of 2021

CAN 3 of 2021

CAN 4 of 2021

CAN 5 of 2021

CAN 6 of 2022

and

WPA 12270 of 2021

with

CAN 1 of 2022

CAN 2 of 2022

CAN 3 of 2022

and

WPA 18585 of 2021

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate

Mr. Sudipta Dasgupta

Mr. Bikram Banerjee

Mr. Arka Nandi

Ms. Dipa Acharya

Mr. Sutirtha Nayek

Ms. Shalini Ghosh

... for petitioners (in WPA 12266 of 2021 and WPA
12270 of 2021)

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate

Mr. Firdous Samim

Ms. Gopa Biswas

Ms. Mousumi Hazra

Ms. Payel Shome

... for petitioners (in WPA 18585 of 2021)

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for SSC

Ms. Koyeli Bhattacharya

... for WBBSE

Mr. Billwadal Bhattacharya, DSGI

Mr. Arijit Majumdar

... for CBI

Mr. Anirban Roy
Mr. Raja Saha
Mr. Shamim ul Bari

... for the State (in WPA 18585 of 2021)

Mr. Sanjib Das

... for added respondent no.15 (in WPA 12266 of
2021 and WPA 18585 of 2021)

Today I have heard the parties in respect of
Group C and Group D candidates.

I am passing directions today to Central Bureau
of Investigation ('CBI', for short), West Bengal Central
School Service Commission ('the Commission', for short)
and to the petitioners.

Directions upon the CBI:

- 1) I have found that CBI is moving very slowly
for the reasons best known to it but not
understood by this court. This court passed
its first order as to CBI enquiry in the
month of November, 2021 and Special
Investigating Team ('SIT', for short) was
constituted on 17.06.2022. Today we are in
the mid of November, 2022, i.e., five
months have passed in the meantime after
formation of SIT and I am told that out of
the 542 candidates named as illegal-job-
getters in Group D, only 16 persons have

been interrogated by CBI. 526 of such persons are left. I believe that if all these 542 candidates are examined rigorously, the crime organized in giving such appointments would come to light. But CBI has not done so as yet. One of such reasons may be the lesser number of officers of CBI in the SIT. The other may be its inefficiency or some other reasons unknown to the court in particular and the stakeholders in general. Therefore, I have directed CBI today to give the names of four officers who will be inducted in the SIT and the CBI has given me four names which are as follows:

	Name	Designation
i)	Mr. Anshuman Saha	Deputy Superintendent of Police
ii)	Mr. Biswanath Chakraborty	Police Inspector
iii)	Mr. Pradip Tripathy	Police Inspector
iv)	Mr. Wasim Akram Khan	Police Inspector

I induct all these four persons into the SIT constituted by this court by order dated 17.06.2022.

I release from this SIT the following two officers:

	Name	Designation
i)	Mr. K. C. Risinamol	Deputy SP, CBI, ACB Kolkata
ii)	Mr. Imran Ashique	Inspector, CBI, ACB Kolkata

Their service may be utilized by CBI in some other matters.

From today onwards and from today itself they shall not be allowed to deal with and handle any paper or document in respect of the investigation in the CBI office where the investigation related papers and documents are kept. They shall not have any access to such papers and documents from today. But this observation of mine in respect of them shall never be treated as a stigma in any matter whatsoever in their service career. For the purpose of reconstruction of the SIT, they have been replaced.

- 2) In reply to my question the CBI officer intimated me that there is no officer of DIG rank in the Kolkata office of CBI, Anti Corruption Branch. I wanted to know from them also the names of any three officers of

DIG rank of CBI from whom any one can be made in charge of the SIT and other officers of SIT would act under him. They are not prepared with such names and therefore, I direct Mr. Akhilesh Singh who I am told was an officer of DIG rank in Kolkata when this court directed investigation by CBI. Said Mr. Akhilesh Singh is now posted elsewhere and therefore I direct the appropriate authority of CBI to release Mr. Singh from his present assignment so that he can join here only for the purpose of investigating the organized crime in this recruitment scam and till the investigation is complete Mr. Singh shall not be removed or transferred from this assignment as aforesaid without the leave of this court. The said DIG should be released by the appropriate authority of CBI by seven days from date.

For facilitating the investigation seamlessly he is being brought back to Kolkata office.

- 3) CBI is directed to hand over the 20 + 20 = 40 blank or scantily filled up answer script print out whereof were taken from the mother disk, to the learned advocate of the

petitioners in respect of Group C and Group D recruitment in schools. It shall be the duty of the petitioners to check whether any person out of these 40 have been named in the panel published by the Commission on 20th December, 2017 (for Group C) and 6th November, 2017 (for Group D). This exercise is to be completed by the petitioner in course of this week and they shall keep their findings ready for making appropriate submission before this court when the matter will be taken up next.

- 4) If the CBI thinks it fit, it may supply the soft copies of the OMR sheets indicated above to the petitioners.
- 5) CBI shall start interrogating the 526 left candidates who were appointed illegally within a period of 30 days from tomorrow. If any of such candidates do not co-operate with CBI it shall have fully liberty to arrest him and to start custodial interrogation.

Directions upon the West Bengal Central School Service Commission:

- 1) The Commission is directed to hand over soft copies of the merit list (containing

panel and wait list) published by the Commission on the dates indicated above for Group C and Group D to the learned advocate of the petitioners by 18th November, 2022.

- 2) Mr. Bikash Ranjan Bhattacharya, learned Senior Advocate appearing for the petitioners, has drawn my attention to one interim application in the writ application filed by the Commission where it has been stated -

“Paragraph 6. In such circumstances it is humbly proposed that apart from giving recommendations and appointment to genuine candidates as observed by this Hon’ble Court by its order dated 21st September, 2022, supernumerary posts be also created to accommodate those whose appointments have been found illegal. Such proposal will result in no loss of jobs and enable such appointees to have means of livelihood. However, in the event of such proposal being accepted, appropriate directions be given that such persons do not have seniority over those eligible for appointments.”

- 3) Dr. Patra, learned advocate for the Commission, has submitted that Commission has filed four such similar applications in respect of Group C staff, Group D staff, Secondary Teachers and Higher Secondary Teachers. I direct Dr. Patra to hand over the IA numbers of those four applications to the Court Officer immediately in course of the day so that those matters can be heard on 22nd November, 2022 at 10:30 a.m.
- 4) The Commission is directed to serve copies of those applications upon the learned advocate for the West Bengal Board of Secondary Education.

List those four applications on 22nd November, 2022 under the heading 'Applications' at 10:30 a.m.

Direction for hearing of this matter on other dates would be given on 22nd November, 2022. It is made clear that today I have only taken up the Group C staff and Group D staff matters, being WPA 12266 of 2021, WPA 12270 of 2021 and WPA 18585 of 2021. The other matters will be heard on 23rd November at 2.00 p.m.

(Abhijit Gangopadhyay, J.)