

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

15
14.07.2023
agm/d.p.

WPA 9979 of 2022

Soumen Nandy

v.

The State of West Bengal & Ors.

with

IA No. CAN 1 of 2023, CAN 2 of 2023

**Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Payel Shome,
Ms. Sampriti Saha.
... For the petitioner.**

**Mr. Billwadal Bhattacharyya, Ld. DSGI.
Mr. Arijit Majumdar
... For CBI.**

**Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag.
...For the State.**

**Mr. L.K. Gupta,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury.
... For Board.**

**Mr. Dhiraj Kumar Trivedi, Ld. DSGI
Mr. Samrat Goswami
... For Enforcement Directorate.**

**Mr. Santanu Kumar Mitra,
Mr. Subhobrata Das,
Mr. Amartya Pal.
...For the Respondent No.9.**

The order passed by the Hon'ble Supreme Court in SLP NO. 11588-11589 of 2023 dated 10th July, 2023 has been placed in Court.

It appears therefrom that the judgment passed by this Court on 18th May, 2023 has not been interfered with but the direction for payment of costs have been deleted.

The report filed by the Central Bureau of Investigation in a sealed cover is placed before this Court.

The report mentions that the authority is continuing with the investigation. It has been mentioned that on investigation of the complaint submitted by the accused Kuntal Ghosh it has been conclusively established that the complaint lodged by him alleging torture at the hands of CBI officials and ED are false and without any substance.

The said report is signed by the Superintendent of Police, CBI, SIT, Kolkata dated 14th July, 2023.

The ED has also filed a report dated 14th July, 2023 signed by the Assistant Director, ED, Kolkata Zonal Office-II.

The same mentions that proceeds of crime amounting to rupees **fifteen crore** in respect of movable properties in the form of bank accounts, shares, vehicles etc. and 43 number of movable properties in the name of Sri Kuntal Ghosh, Ayan Sil and Santanu Bandopadhyay, their family members, their companies/firms were identified and the same have been attached vide PAO dated 13th July, 2023.

Investigation reveals that the proceeds of crime to the tune of more than Rs. 350 crore have been generated

by various accused persons in the Primary teachers recruitment scam only and the same has been utilized for the personal use and/or siphoned of or invested in movable and immovable properties. The proceeds of crime have also been invested in the Bengali Film Industries.

The total seizure and attachment in the case, at present, stands at Rs. **126.70 crore**.

On 20th May, 2023, search was conducted at 19 places which relates to the seizure for incriminating documents and digital evidence. One person viz. Sri Sujoy Krishna Bhadra @ Santu @ Kaku was arrested who remained in ED custody for 14 days till 14th June, 2023.

A total number of more than 100 bank accounts are under investigation. The proceed of crime has been identified in the name of Sujoy Krishna Bhadra and his family members and the money trail in this case is being established for further action under PMLA.

Both the reports are resealed and kept with the records.

It has been submitted by the learned advocate appearing for the CBI and ED that the investigation is still under progress.

Learned advocate appearing for the petitioners submits that as huge sum of money has been generated in the scam, accordingly, the names of the beneficiaries, especially the teachers who are still in service ought to

be brought on record so that the ineligible candidates may be screened out to make way for the eligible ones.

The recruitment process is of the year 2016 and by this time approximately 42,949 teachers have been recruited so far.

The Investigating Officers are directed to investigate from all corners and place on record the details of the beneficiaries of the scam particularly the teachers who actually got the service in lieu of cash paid through the agents or otherwise.

The investigating authorities shall enquire and identify the teachers who were appointed in the said recruitment process.

Let a further report be placed before this Court on 29th August, 2023.

The communication made by the Additional Superintendent of Police, CBI, SEB signed on 13th July, 2023 to the Director, Directorate of Local Bodies in relation to the municipality scam case be retained with the records.

On the adjourned date the learned advocates appearing for the CBI and the ED shall give the details of the Investigating Officers who are investigating the municipal scam case.

List on 29th August, 2023.

(Amrita Sinha, J.)