

Court No. 17

24.01.2024

(AD 12)

(S. Banerjee)

WPA 22150 of 2023

Itisha Soren

Vs.

Union of India & Ors.

Mr. Biswaroop Bhattacharya

Mr. Raju Mondal

Ms. Keya Sutradhar

... for the petitioner

Mr. Siddhartha Lahiri

Mr. Pradyat Saha

... for the Union of India

Mr. Kishore Datta, Ld. Advocate General

Mr. B. Basu Mallick

... for the State

Mr. Gobinda Chandra Baidya

Ms. Mousumi Arji

... for the respondent no. 10

Mr. Narayan Chandra Bhandari

Mr. Somen Bose

... for the respondent nos. 16, 55, 56 and 59

Mr. Barun Kumar Samanta

... for the respondent nos. 12, 18, 19, 21-23, 29-30, 33, 36, 44, 49 and 54

Mr. Sakya Sen

... for the respondent no. 28

Mr. Indranil Roy

Mr. Sunit Kumar Roy

... for the National Medical Commission

Mr. Sirsanya Bandopadhyay

Mr. Arka Kumar Nag

Ms. Deboleena Ghosh

... for the WBMCC

The petitioner is directed to add the Central Bureau of Investigation as a party-respondent in this matter in course of the day.

A large picture of corruption in respect of issuance of certificates of reserved category candidates and use of those for admission in Medical colleges is peeping its head like tip of an iceberg in this matter. The entire thing for last three years is to be thoroughly investigated by the CBI as to issuance of reserved category certificates and admission of candidates with such certificates in Medical colleges. When a scam is peeping its head, it is the duty of the court to pass appropriate order for a thorough investigation in the matter irrespective of whether the writ petitioner has prayed for a CBI inquiry or not. In a writ application where a corrupt practice is apparent the prayer or not of a petitioner cannot act as a deterrent in the exercise of a writ court's jurisdiction. Therefore, even without the prayer of the writ petitioner this court can pass an order for thorough investigation into the matter.

The SIT constituted by this court in respect of education appointment matters will investigate the matter and if necessary, if it finds any money trail, Enforcement Directorate will also come into the picture for investigation into the money trail.

Learned Advocate General has handed over some documents which are counter-signed by the Assistant Court Officer of this court. All these documents are to

be handed over to CBI keeping copy thereof in the records.

The police of this State have not been able to arrest one culprit Sk. Sajahan in recent Sandeshkhali raid by E.D. who dared to touch the ED officials of this country which means that the Union of India has been touched by some miscreants. Therefore, I cannot place any faith upon such police authority, though I believe that they are efficient enough if they are allowed to work. But in several matters it come to light that police authority fails to take right steps to investigate crimes.

Therefore, this matter is to be investigated by CBI.

Before the State goes to the Hon'ble Supreme Court in connection with this order in appeal, I would expect that the State would disclose what is the total amount that has been spent by it for resisting the orders of this court in respect of CBI investigations by way of appeals and application in Supreme Court in education appointment matters. This court and also the inhabitants of this State have the right to know what is the total amount that have been spent for filing cases in Supreme Court by the State to resist the CBI investigation in those matters of illegal appointment.

Learned Advocate General has submitted that he has not been heard though he has been given sufficient opportunity of hearing and the documents those have been countersigned by the ACO of this court (and to be handed over to CBI) were taken in view of his submission. He also said that this court has not allowed him to place these documents. He has also said that these documents should come up by way of pleadings. Such documents have been accepted by this court.

However, at the very beginning of the hearing he wanted to hand over these documents without any pleadings.

I direct the Registrar General of this court to communicate to CBI officer as to appearing before this court at 2:30 p.m. today to take those papers as indicated above and to start investigation in this matter forthwith by filing FIR.

This matter will be taken up at 2.30 p.m. for the above purpose and tomorrow at 10:30 a.m. for further hearing.

(Abhijit Gangopadhyay, J.)

Later:

Learned Advocate General prays for stay of the operation of this order.

Which prayer is considered and rejected.

(Abhijit Gangopadhyay, J.)