

Court No. 17

WPA 22203 of 2022

25.07.2023

(AD 41)

At 4.25

P.M.

(BP/g.b./
S. Banerjee/ SA)

Anupam Pal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee
Mr. Rahul Deb Goenka
Mr. Mainak Singha Barma

... for the petitioners

Mr. B. Basu Mallick
Mr. Biman Halder

... for the DPSC (Hooghly)

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... for the WBBPE

Mr. Billwadal Bhattacharya, DSGI
Mr. Arijit Majumder

... for the CBI

Mr. Dhiraj Trivedi, DSGI
Mr. Samrat Goswami

... for the ED

As extreme urgency involved in this case because the scam what is peeping in the four writ applications are wholly of a new character and relates to 2020 posting process.

This matter relates to 2020 posting process for primary teachers. This is in respect of the district of Birbhum when initially the vacancies were shown to the General Category candidates who qualified in the recruitment process. It was shown that there was no

vacancy for the General category Candidates. Subsequently a cleverly drafted Notification was published by the West Bengal Board of Primary Education on 30th July, 2021. Initially the vacancy list was published on 6th July, 2021 and the next vacancy list showing vacancy for General Candidates was published on 30th July, 2021 i.e. just after 23 days from the date of the first vacancy list. As the General candidates who were duped by the first vacancy list and had to select vacancies in some other districts, have come before this court with particulars showing that in respect of this district in the second vacancy list, some candidates were called by the Board and they were shown the vacancy (which was non-existent earlier) and they selected the vacancies in their preferred district, i.e., Birbhum. In the said notification it has been stated that those candidates were given opportunities for the last time. I wonder when the opportunity for the first time was given to them? This is a cleverly drafted notification and as already known to this court through one affidavit of Mr. Ratna Chakraborty Bagchi, the then Secretary of the Board, Dr. Manik Bhattacharya was at the helm of affairs, and according to his direction all such things were done.

Therefore, in this new brand of scam, where some candidates have been duped from selecting their preferred district and some candidates have been given

advantage by way of a clever drafting the a notification dated 30th July, 2021.

In the meantime, it has come to light that said Manik Bhattacharya has amassed enough wealth including immovable assets and his son and wife are also having assets which do not match with their income. Therefore, this court has reasons to believe that money transaction is there and is to be unearthed by the Enforcement Directorate.

I direct the head of SIT of CBI to send two or three of its efficient officers to know the facts of this matter from the Mr. Dibyendu Chatterjee, learned advocate for the petitioners, and Mr. Saikat Banerjee, learned advocate for the Board. I also direct the concerned officer of ED to start investigation in respect of any money trail in this matter and to interrogate Dr. Bhattacharya. For such interrogation they shall have the liberty to take Dr. Bhattacharya in their custody. In respect of this order I have been shown an order of Hon'ble Supreme Court dated 27.09.2022 whereby limited period protection was given to Manik Bhattacharya restraining CBI from taking any coercive action against him in that particular matter, (i.e, Manik Bhattacharya -Vs.- Ramesh Malik & Ors). That limited period order was extended until further order on 18.10.2022. This extended order is still continuing for

the last nine months or so, but this present matter is a matter where a new brand of scam is peeping its head from the petition. Therefore, in this matter both CBI and ED shall have the liberty to take Mr. Manik Bhattacharya in their custody, if necessary, for thorough interrogation in this matter. That order of Hon'ble Supreme Court, as was passed in a separate matter and in respect of separate scam and also in a separate selection process, will not create any impediment in taking Mr. Bhattacharya into their custody.

The CBI should start interrogation from this evening itself after apprising themselves of the full facts from the above named learned advocates.

The ED shall have the liberty to interrogate Mr. Bhattacharya when they will think it fit and proper.

This matter will be heard again today at 6 p.m. when learned advocates for the parties and the parties added as respondents, being CBI and ED, should remain present before this court.

Place this matter at 6 p.m. today.

(Abhijit Gangopadhyay, J.)

Later (at 6 p.m.):

The Superintendent of the Presidency Correctional Home shall not create any impediment in interrogation of said Manik Bhattacharya. On the contrary, he will cooperate fully with the CBI officers for interrogating the said person. If this court gets any complaint from any quarter as to the non-cooperation of the Superintendent of the Correctional Home, appropriate steps against him would be taken.

I direct the petitioners to add the Superintendent of Presidency Correctional Home a party respondent in this matter.

The interrogation shall start today at 8/8.30 p.m. and will continue till the CBI officers decide. Tomorrow also the investigation will start at 9 a.m. and will continue till the CBI officers think it to be continued.

The interrogation of Dr. Bhattacharya, that will start today, is to be video recorded by CBI with their own videographer. If it is not possible today, such interrogation is to be recorded in the mobile phone(s) of the officer(s) of CBI. From tomorrow CBI will take their own videographer. The entire interrogation will be videographed.

If necessary CBI will lodge one new FIR for starting interrogation of Mr. Bhattacharya. CBI shall have the liberty to take him into custody and the same

liberty is also granted to ED when they will think it is to be done.

It is made clear that as this matter relates to scam in posting of primary school teachers and not in appointment of school teachers, a fresh FIR can be lodged and this will not contradict the Hon'ble Supreme Court's order which relates to appointment scam.

The candidates who have joined schools in the districts, where no vacancies were shown initially and vacancies were shown later, shall be made parties as added respondents for which the fathers'/husbands' names with the addresses and pin code numbers will be supplied by the Board by 4 p.m. tomorrow (26.07.2023) to the learned advocate of the petitioners.

Learned advocate for the Board Mr. Banerjee has said that for this they require at least ten days time which submission is rejected as the names and roll numbers of the persons who have joined against the second vacancy notification showing vacancies in those districts, is there in the petition as annexure. If there is any illegible annexure in the list, the petitioners shall supply the list in course of the day to Mr. Banerjee, the learned advocated for the Board.

This matter is marked heard-in-part and it will be taken up again tomorrow at 4 p.m.

(Abhijit Gangopadhyay, J.)