

Chamber No.

16

18.05.2022

(S.L.)

WPA 5406 of 2022

Babita Sarkar

Vs.

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate

Mr. Firdous Samim

Ms. Gopa Biswas

Mr. Mousumi Hazra

Mr. Aritra Bhattacharya

... for petitioner

At about 9.40 p.m. today two Learned Advocates came to my Chamber, when I was completing my day's job. I usually stay till 9.30 p.m. and sometimes till 10.30 p.m. Today was a day when I was herein my Chamber and after hearing the mentioning I became extremely surprised. Those two advocates mentioned the two matters heard by me yesterday and today, by submitting, that the Chairman of the Commission has resigned from the West Bengal School Service Commission as because he made some statements before the court yesterday in one of the matters (Babita Sarkar -versus- The state of West Bengal & Ors.) at the direction of the Court when it became clear that there was a clear case of corruption whereby a candidate namely Ankita Adhikari daughter of the Minister of State of Mr. Paresh Adhikai was appointed as a teacher though she was not eligible to get the recommendations and appointment. The learned advocates also mentioned before me that today at the same time of hearing of

another matter namely Sabina Yeasmin & Ors., it was mentioned that the learned advocate for the petitioner in the matter submitted that the database and all other digital information was required to be preserved for the purpose of CBI investigation.

But some other persons after the Chairman resigned and left the School Service Commission office at Salt Lake entered the School Service Commission office and started interfering with the database etc. It was reported to the learned Advocates that the database was being destroyed.

I granted leave to them for hearing the matter ex-parte on the basis of urgency subject to the approval by the Hon'ble Chief Justice. The said learned advocates Mr. Sudipta Dasgupta and Mr. Firdous Samim immediately made contact with the registry and the Learned Registrar General told them to contact with the Chief Justice and there is no problem in moving the matter if I had granted leave. However, as I made clear that the Chief Justice's approval was required, at about 10.30 p.m. today the Officer on Special Duty of the Chief Justice brought the Chief justice's approval one by virtual mode and the other by physical mode.

Thereafter some time has passed because of the printing of the supplementary lists (two lists) one containing the Sabina Yeasmin's and other containing

Babita Sarkar's matter. The hearing started when Mr. Bikash Ranjan Bhattacharya, Senior Advocate appeared in those two matters.

First I deal with the matter of Babita Sarkar.

In the application filed by the Learned Advocate Mr. Shamim it has been categorically stated that the petitioner has obtained credible information that some persons have entered the office of the School Service Commission and were interfering with all records including computer records of appointments.

Mr. Bikash Ranjan Bhattacharya, Senior Advocate in his submission has stated that the digital records are required to be preserved for the investigation by CBI. His second submission was for production of the CCTV footage to know who are those persons who entered into the office of the School Service Commission after the Chairman resigned and his other submission is that appropriate order should be passed for protection of the building even for a limited period otherwise some situation may arise there for which the CBI investigation in the matter would be futile.

I have perused the application for leave and I have heard the submissions made and I pass the following order:

The Secretary of the School Service Commission is directed to produce the CCTV footage before me at 12.30 a.m. tomorrow.

The Secretary is to preserve all the digital information and the database if not already destroyed.

As the matter is in the hand of the CBI and as CBI has been granted liberty to take help of the Central Reserve Police Force, I direct the petitioner to intimate CBI to take up the matter with Central Reserve Police Force immediately so that CRPF personnel can be deployed to protect the building being Acharya Sadan, Salt Lake and the CRPF personnel shall not allow anybody to enter into the said building till 1.00 p.m. tomorrow without leave of the Court. No employees including officers and no other persons shall be allowed to enter the said West Bengal School Service Commission at 11 & 11/1, Block EE, Acharya Sadan, Salt Lake City, Kolkata – 700091. The learned advocate of the petitioner is granted liberty to communicate, this order to CBI immediately so that Police Force is deployed by the CRPF forthwith by 2 (two) hours from the communication to CBI.

The petitioner is granted liberty to take back the application in the first hour and to affirm it by himself and stamp it to make it regular. If it is not done by 12.00 noon tomorrow the interim order will be recalled.

This matter will be listed tomorrow in the supplementary list and will be taken up with WPA 5406 of 2022.

(Abhijit Gangopadhyay, J.)