

Item No.7&8

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

29.08.2023
Ct-24

WPA 7907 of 2019
Ramesh Malik & Ors.

v.

The State of West Bengal & Ors.

with

IA No. CAN 1 of 2022, CAN 3 of 2023, CAN 4 of 2023, CAN 5 of
2023 & CAN 7 of 2023.

With

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. Sudipta Dasgupta

Mr. Bikram Banerjee

Mr. Arka Nandi

Ms. Dipa Acharyya

Mr. Sagar Dey

Mr. Sutirtha Nayek

Ms. Shalini Ghosh

... for the petitioners in WPA 7907 of 2019.

Mr. Firdous Samim

Ms. Gopa Biswas

Ms. Payel Shome

Ms. Sampriti Saha

... for the petitioner in WPA 9979 of 2022.

Mr. Billwadal Bhattacharyya, Ld. DSGI.

Mr. Arijit Majumdar

... for CBI in both the matters.

Mr. Sirsanya Bandopadhyay, Jr. SC.

Mr. Arka Kumar Nag

... for the State in both the matters.

Mr. Samrat Goswami

... for Enforcement Directorate in
both the matters.

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
Mr. Amartya Pal
... for the added respondent no. 11
in WPA 7907 of 2019.

Mr. L.K.Gupta, Ld. Sr. advocate.
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for the WBBPE in both the matters.

Mr. Ayan Poddar
Mr. Soham Dutta
... for the applicant (Kuntal Ghosh)
In WPA 9979 of 2022.

Mr. Sourav Kumar Mukherjee
... for Dr. Manik Bhattacharyya
In WPA 7907 of 2019.

Report filed by the Deputy Superintendent of Police, CBI, SEB, Visakhapatnam attached to CBI, SEB, Kolkata signed on August 29, 2023 is taken on record. A list of seventy-one candidates who subsequently qualified in the TET 2014 examination has been annexed as Annexure-I to the report. A list of ninety-six candidates who did not qualify TET 2014 but got appointment has been annexed as Annexure-II. A further list of forty-six candidates who were not trained as per TET 2014 examination has been annexed as Annexure-IV to the report.

The Central Bureau of Investigation (in short CBI) is directed to immediately forward the aforesaid lists to the WB Board of Primary Education who shall verify the said list and thereafter take necessary steps, in accordance with law, against the candidates who were appointed without the requisite qualification and without following the merit position in the list.

The list at Annexure-V containing names of twenty-five candidates in respect of whom mobile numbers of one Tapas Mondal and two sub-agents of Kuntal Ghosh viz. Dibyendu Bagh and Sukhen Rana, shall also be forwarded to the WB Board of Primary Education for verification. After verification if it appears that any of the candidates in the said list were appointed despite being unfit for appointment, then necessary steps shall be taken against them.

First Information Report dated April 22, 2023 signed by the DIG, CIB, SEB, Kolkata has been placed on record. It has been submitted that the investigating officer of the said case is proceeding with the investigation.

It has already been brought to the knowledge of the Court that the persons involved in the crime relating to the recruitment scam and the municipal scam are more or less the same, the modus operandi and proceeds of crime in both the scam are intermingling with each other.

For the purpose of proper investigation of both the scams, the investigating team ideally should consist of the same officers.

Sri Sunil Singh Rawat, Additional Superintendent of Police, ACB, Kolkata who is the Investigating Officer of the municipal scam case be added in the investigating team which is investigating the education scam. The same team shall investigate the municipal scam.

As the investigation in respect of both the scams will continue simultaneously, the investigation shall be a Court monitored one and the officers are required to file

the report of investigation before this Court as and when directed.

The report filed by the Assistant Director, Enforcement Directorate signed on August 29, 2023 is taken on record. It appears therefrom that the investigating agency has prepared a list of the selected suspected teachers whose names/roll numbers were found in the seized documents/digital records obtained from various accused persons. The list of the said candidates shall immediately be forwarded by the Enforcement Directorate to the West Bengal Board of Primary Education for verification. The Board shall verify the credentials of the said candidates and if it appears that any of the candidates in the said list was appointed de hors the provisions of law, then prompt necessary steps shall be taken against him/her.

The report filed by the Enforcement Directorate mentions about a GD entry which was made against one of the officers of the investigating team being Cyber Police Station, Kolkata being GD Entry No. 577 dated August 21, 2023.

Learned advocate representing the State respondents shall take necessary instruction with regard to the steps taken pursuant to the said GD and report the same before this Court on the adjourned date.

Learned advocate representing the petitioners has brought to the notice of this Court a press release dated August 23, 2023 made by the Directorate of Enforcement which mentions that the accused Sujay Krishna Bhadra was the Chief Operating Officer of M/s. Leaps and Bounds Private Limited, a Company used for making dubious transactions running into crores of

rupees. Sujay Krishna Bhadra was the Director of the Company from April 2012 to March 2016. Abhishek Banerjee, Member of Parliament from TMC is the Chief Executive Officer of M/s. Leaps and Bounds Private Limited and he was also the Director of the Company from April 2012 to January 2014. The total amount of seizure and attachment in the case stands at Rs. 126.70 crore till date. The report mentions that Sujay Krishna Bhadra was arrested. There is no mention of any investigation in respect of the Chief Executive Officer or any other Director or member of the Company.

The Enforcement Directorate is directed to file a report with regard to the progress of the investigation in respect of the Chief Executive Officer of the Company.

The Court, by order dated July 14, 2023, directed the investigating officers to place on record the details of the beneficiaries of the education scam. In the report filed today by CBI, the list of the teachers who were allegedly appointed de hors the rules, has been annexed. The details of the other beneficiaries, who received the money in lieu of providing service to the unemployed youth, shall be placed before this Court on the adjourned date.

The matter stands adjourned till September 14, 2023 for taking note of the updates in the instant case.

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(Amrita Sinha, J.)