

UL 15.02.22

Ct. No. 04

Akd

M.A.T. 189 of 2022

CAN 1 of 2022

State of West Bengal

Vs.

Sandeep Prasad & Ors.

Mr. S. N. Mookherji, Ld. Adv. Gen.,

Mr. Anirban Ray, Ld. G.P.,

Mr. Bhaskar Vaisya,

Mr. Samrat Sen,

Mr. Saaqib Siddiqui,

Mr. Joydeep Banerjee,

Mr. Aviroop Mitra,

Mr. Ayan Chakraborty,

Ms. Shalini Mukherjee.

... for the State.

Mr. Sudipta Dasgupta,

Mr. Arkadeb Biswas,

Ms. Dipa Acharyya,

Mr. Arka Nandi.

**... for the writ petitioners /
respondents.**

Mr. Santanu Kumar Mitra.

... for the WBBSE.

Mr. Saktinath Mukherjee,

Mr. Subhankar Nag,

Mr. J. Mukherjee.

... for the parties.

Mr. Subir Sanyal,

Mr. Somesh Ghosh.

... for the parties.

The instant matter was mentioned by the learned Advocate General citing an urgency and seeking leave to file the same without the certified copy or annexing the downloaded copy of the order from the official website of this Court, as the tenet of the order have virtually negated the order of the Division Bench passed earlier and have exceeded to the extent that the judicial discipline required to be adhered to has been totally shattered.

The Division Bench appointed a Special Team monitored by a retired Judge of this Court to make an extensive enquiry in order to reveal the truth and if there is any irregularities or illegalities in not only making recommendation by the Commission but also the appointment to Group-D and Group-C posts under the Department of School Education, the same would be

considered at the time of passing the final order.

The attention of the Division Bench was further drawn by the Committee that due to the third wave of Covid-19 having struck in the meantime, the process of enquiry could not be activated at the requisite pace but, in fact, substantial progress has been made despite adversities and sought for extension of time to complete the enquiry. The Division Bench extended the time. It appears that despite the said order having passed, the single Bench has dissolved the said Committee constituted by the Division Bench and re-imposed the earlier order which was set aside by the Division Bench when the direction was made to the Central Bureau of Investigation to make an enquiry.

We thus find that a prima facie case has been made out not only for staying the operation of the impugned order as communicated but also the further proceedings of the Writ petition.

Accordingly there shall be a stay of operation of the impugned order dated 15th February, 2022 as well as the Writ petition, for a period of two weeks from date or until further order/orders of this Court, whichever is earlier.

Let this matter be listed on 21st February, 2022 to be taken up at the first sitting of the Court.

In the meantime, the Advocate-on-record of the appellants, shall furnish the copy of the order passed today and challenged in the instant appeal.

Let Photostat Plain Copy of this order duly countersigned by the Assistant Court Officer be given to the parties.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

