

04.04.2022
Item No.1
Ct. No.17
S.A.

W.P.A. 18585 of 2021

Laxmi Tunga & Ors
-vs-
The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. adv.
Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Mousumi Hazra
...for the petitioners
Mr. Supriyo Chattopadhyay
Mr. Biswarup Biswas
...for the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the SSC
Mrs. Koyeli Bhattacharyya
...for the WBBSE
Mr. Samrat Goswami
...for the CBI
Mr. Biswaroop Bhattahcharya
Mr. Dipayan Kundu
...for added respondent no.11
Mr. Saptansu Basu
Mr. Tanmay Kr. Dey
...for added respondent no.12
Mr. Ranjan Bachawat
Mr. Victor Chatterjee
...for added respondent no.13
Mr. Jasojeet Mukherjee
Mr. Dipayan Kundu
...for added respondent no.14
Mr. Subhankar Nag
Mr. Sanjib Das
...for added respondent no.15

Learned Advocates Mr. Saptansu Basu, Mr. Ranjan Bachawat, Mr. Biswajit Kumar and Mr. Subhankar Nag, representing the four committee members of the five men committee constituted by the School Education Department of Government of West Bengal on 01.11.2019, which committee was

constituted for the purpose of supervision and monitoring of pending recruitment process conducted by the West Bengal Central School Service Commission, have submitted that –

- 1) They do not have any copy of the order dated 01.04.2022.
- 2) They do not have any copy of the writ application being WPA 18585 of 2021 and
- 3) They have not given any opportunity of hearing by this court before passing the order directing them to meet CBI and
- 4) They should be given opportunity to submit their points in this regard.

All of them have submitted that as no copy of the writ application has been served upon them, they do not know whether any allegations have been made against them and all of them want to assist this court, so that this court can pass an order after hearing.

I do not believe that the said four persons do not have copy of the court's order dated 01.04.2022 passed in WPA 18585 of 2021. They could also collect copy of the writ application if they wanted from the portal 'Sarthak', I am told by the petitioner that the writ application is available in the said portal.

CBI has intimated through their report that they issued notice through Whatsapp requesting them to attend the CBI's office and the order passed by this

court dated 01.04.2022 was sent at the same time in pdf form.

Those four persons have written four letters to the CBI stating that the State of West Bengal has filed an appeal which may be taken up on 4th April, 2022 and he has been added as a party in the said appeal and he will also file an independent appeal to make his submissions before the Division Bench. The same thing in almost identical languages have been written by the other 3 persons in their letters to CBI which has been placed through the report of CBI before me today. Therefore, I am not ready to believe that they do not know the content of the writ application and I am also not ready to believe that there is any order in their favour which prevents this Single Bench from sending them to CBI. They also know the order dated 01.04.2022 in this matter.

Therefore, the submissions made by the learned advocates for the above referred four persons are rejected with the observation that they will get every opportunity to place their view before CBI and CBI will file a report before me and as they will going to file an appeal, the Appeal Court will take care of their appeal and other submissions made in the appeal.

I wanted to know from the counsels whether their clients are ready to go to the CBI office within one hour, but they have stated that without taking

instruction from their clients they are unable to give any reply to this question of court.

One report has been filed by Mr. Supriyo Chattopadhyay, learned advocate for the State wherefrom I get the addresses of Sri S. Acharya, Sri P. K. Bandyopadhyay, Sri A. K. Sarkar and Sri T. Panja.

As the learned advocates are not equipped with the instruction as aforesaid and as I find that Sri S. Acharya and Sri P. K. Bandyopadhyay are working in Shilpa Sadan, 6th floor, 4, Abanindranath Tagore Sarani, Kolkata-700016 and as Sri A. K. Sarkar is residing in Falguni Abasan, Block-FB, Sector-III, Salt Lake and Sri T. Panja is working now as the Senior Law Officer in School Education Department, Government of West Bengal, Bikash Bhawan, 5th Floor, I direct the Deputy Commissioner of Police (Central) Kolkata Police to ensure the presence of Mr. S. Acharya and Mr. P. K. Bandyopadhyay before CBI by 3 p.m. today and I direct the Commissioner of Bidhan Nagar Police Commissionerate to take steps for ensuring the presence of Sri A. K. Sarkar and Sri T. Panja who are residing and working, respectively in Salt Lake, which is under the Commissioner of Police, Bidhan Nagar Commissionerate. Their presence are also to be ensured by the Commissioner of Police of Bidhan Nagar Commissionerate by 4 p.m. today. As I have passed the order in presence of all the parties

including the learned Advocates of the said four persons, they are directed to communicate this order to the Deputy Commissioner of Police (Central) and to the Commissioner of Police, Bidhan Nagar Police Commissionerate forthwith. This order will be available in the website of this court before 2 p.m. and persons interested to take copies of this order may get copies from official website of this court.

The petitioner is also directed to communicate this order of ensuring presence of those four persons to CBI office by 3 p.m./4 p.m. He should also communicate this order as has been heard by him to the said Deputy Commissioner of Police (Central) and to the Commissioner of Police of Bidhan Nagar Police Commissionerate.

This matter will appear tomorrow at the top of the list for further hearing.

Learned advocates appearing for the four persons named above have prayed for stay of operation of this order which is considered and rejected.

It is to be noted that this court in its order dated 01.04.2022 made it clear that the said order on those four persons was mandatory and any non-compliance with the order would be viewed very seriously by this court against the persons who would fail to attend the office of the CBI as soon as they were

called. They have flouted the order of this court for reasons best known to them. Therefore, this court has been compelled to pass the above order. Other adverse order may be passed against them for violation of the court's order.

The report filed by the CBI and the report filed by the Principal Secretary of the School Education are kept on record.

I direct the Registrar General's office to communicate this order immediately to the Deputy Commissioner of Police (Central), Kolkata and to the Commissioner of Police of Bidhan Nagar Police Commissionerate forthwith.

(Abhijit Gangopadhyay, J.)