

Court No. 17

WPA 5538 of 2022

**07.04.2022**

(AD 4)

(S. Banerjee)

Anindita Bera

Vs.

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate

Mr. Sudipta Dasgupta

Mr. Bikram Banerjee

Mr. Arka Nandi

... for the petitioner

Mr. Bhaskar Prasad Vaisya

Mr. Sagnik Chatterjee

... for the State

Mr. Kishore Datta, Sr. Advocate

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

Ms. Koyeli Bhattacharya

... for the WBBSE

In this matter one supplementary affidavit has been filed by the petitioner. In the supplementary affidavit I found that there is a startling revelation through document, which is a notice of a second meeting of the committee constituted by the School Education Department, Government of West Bengal, vide memo dated 01.11.2019. This notice shows, by which I am extremely and extremely surprised, that there were at least two or more than two meetings of the said committee. Whereas before this court Dr. Santi Prasad Sinha, the advisor of the Commission and convenor of the five member committee in other matters having similar allegations of corruption, here in the

appointment in the posts of assistant teachers by the School Service Commission said time and again that there was no meeting of the said 5 member committee. The other members of the committee have also given their reply to similar questions before CBI.

I find that Dr. Sinha has made false statement before this court as the notice of meeting dated 19.11.2019, being Annexure P-5 of the supplementary affidavit (at page 6 thereof), is signed by said Dr. Sinha himself.

In this writ application the petitioner has prayed for publishing fair and transparent merit list of Assistant Teachers in 1<sup>st</sup> State Level Selection Test 2016 (classes IX and X) in terms of 2016 Rules of recruitment including the waitlist disclosing the breakup and segregation of marks; for uploading the online application forms of the candidates in respect of 1<sup>st</sup> State Level Selection Test 2016 (Class IX and X); disclosure of the letters of appointments and to consider the candidature of the petitioner.

While doing so, the petitioner has come up with material particulars taking responsibility of such particulars in paragraph 15 under which 27 instances have been given how illegal appointments have been made in the post of Assistant Teachers for classes IX and X.

Mr. Kishore Datta, learned senior advocate appearing for the Commission, has made elaborate

submission and stated that as the application has been filed much late, if some time – say one month – is given to the State to undone all the mistakes or errors, the petitioners would not suffer. He also said that a committee may be formed by keeping the Principal Secretary of the Education Department or by keeping the Chairman of the School Service Commission for enquiring into this allegation.

Learned advocate for the State, Mr. Bhaskar Prasad Vaisya, adopted the submission of Mr. Datta and has submitted further that though it is found from the said notice of Dr. Sinha that he called a meeting and that the meeting was to be held in the chamber of the Personal Secretary to the Hon'ble MIC of the Department it cannot be said that the MIC was inverted in it.

Whether the then MIC knew about such meeting or not or any other thing as to the corrupt practice in such appointment is a matter to be investigated by the Central Bureau of Investigation and they are given a freehand to interrogate any person they think fit to unearth the corruption in the appointment in government aided schools scam whatever be his social or political status.

Therefore, though the government has prayed for some time to look into the matter so that the illegalities can be cured, I am not ready to accept such submission as some waters have flown through the rivers on this

planet in the meantime and today we are left with one committee formed by the division bench apart from one case registered in another matter (WPA 18585 of 2021, Laxmi Tunga & Ors. –Versus- State of West Bengal & Ors.) and nothing else. Time is running out.

What surprises me is the deliberate false statement made by Dr. S. P. Sinha before this court which has been exposed from the annexure of the supplementary affidavit in this matter, and the said Dr. Sinha was the convener of the said five-member committee.

Therefore, this matter is also required to be investigated by CBI by registering a new case in this matter as it relates to appointment of Assistant Teachers in classes IX and X.

Such false statement shows that said Mr. Sinha is trying to cover up same facts unfavourable to him and his aides.

From the particulars given under paragraph 15 of the writ application, which has been affirmed as true to the knowledge of the petitioner, I am satisfied that illegalities have been made in appointment of Assistant Teachers also. Affidavit of service shows that the Commission was served a copy of the writ application on 29.03.2022 but today Commission has not made any submission in respect of said paragraph 15.

Therefore, CBI is directed to investigate the matter and to interrogate Dr. Santi Prasad Sinha specially and other members of the committee again in this matter in view of the startling revelation made in Annexure P-5 of the supplementary affidavit.

I direct the petitioner to serve a copy the writ application, the supplementary affidavit and a copy of the order passed today immediately upon CBI.

The Regional Head of CBI is directed to start investigation in this matter after registering a case in course of the day itself.

The matter will appear in the list before this court after two weeks for further hearing and a report is to be filed tomorrow by CBI when it will appear under the heading 'To be mentioned' for a report from CBI as to registering the case and calling Dr. Sinha and the members of the said five member committee for questioning on the basis of the false statement that no meeting of the committee was held.

I am further surprised that though there is a 6-storied building of the West Bengal Central School Service Commission, the meeting of the committee was to be held in the chamber of the Private Secretary to the Minister-in-charge of the education department.

The matter will appear tomorrow under the heading 'To be mentioned' for a report from the CBI, as

indicated above, and again on 27<sup>th</sup> April, 2022 for further hearing of the matter.

The petitioner is directed to communicate the gist of this order passed today.

**(Abhijit Gangopadhyay, J.)**

**Later:**

After dictating the above order, Mr. Datta, learned senior advocate for the Commission and Mr. Vaisya, learned advocate for the State, have prayed for stay of the operation of this order.

I have considered their submission and, I am sorry to say that such prayer is rejected.

**(Abhijit Gangopadhyay, J.)**