

Court No. 17

WPA 12266 of 2021

17.11.2021

(AD 1)

[at 3 p.m.]

(S. Banerjee)

Sandeep Prasad & Ors.

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate
Mr. Sudipto Dasgupta
Mr. Bikram Banerjee
Mr. Arkadeb Biswas
Mr. Arka Nandi
Mr. Surirtha Nayek
Mr. Shaharayar Alam

... for the petitioners

Mr. Anirban Ray, learned Govt. Pleader
Mr. Samrat Sen, learned AAG
Mr. Bhaskar Prasad Vaisya
Mr. Joydip Banerjee

... for the State

Mr. Kishore Datta, Sr. Advocate
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
Ms. Deblina Chakraborty

... for the WBCSSC

At the time of hearing at 3 p.m. today, learned advocate Mr. Samrat Sen, appearing for the State and also the learned Government Pleader and Mr. Vaisya, have submitted that the matter really requires some enquiry and they have suggested an enquiry by one retired judge of this High Court.

Mr. Datta, learned senior advocate appearing for the West Bengal Central School Service Commission, and Mr. Bhattacharya assisted by their juniors have not objected to that.

I am taking some time to consider that. It has been submitted on behalf of the Central School Service

Commission that, now they have taken instruction from all the concerned regions in respect of the 25 appointment letters issued by the West Bengal Board of Secondary Education on the basis of the so-called recommendation letters of the Commission, were not issued by any of the regions. So it appears that some foul play have already been committed in giving appointment on the basis of some recommendation letters which were not issued by the appropriate authority.

In such circumstances, I pass the following orders:

1) The Commission is directed to come up with an affidavit stating clearly that after 4th May, 2019 when the panel of Group D staff had expired, no region of the Commission, including the South-Eastern Region which was not named earlier, issued any recommendation letter to anybody. There must be a specific averment to this effect in the affidavit. The affidavit has to be filed tomorrow at 2 p.m.

2) The 25 persons whose appointment letters have been filed today by way of supplementary affidavit, are to be made parties. For this purpose I direct the petitioners to come up with a cleanly typed paper giving names and addresses of those 25 persons tomorrow, which will be enclosed in the cause-title of the writ application by giving a page number and thereafter copies of the application are to be served upon those persons so that they can get an opportunity of hearing.

3) As the Commission has submitted that no such letter of recommendation as has been mentioned in the supplementary affidavit filed today by the petitioners was issued by them, I direct the concerned District Inspector of Schools to stop their salary forthwith and the salary cannot be paid to them until further order. There is no question of giving approval of their services by any authority whatsoever.

The matter will appear tomorrow when further order will be passed.

It has been submitted by Mr. Bhattacharya, learned senior counsel for the petitioners, that 500 such appointment letters have in the meantime been collected by the petitioners and they want to place it before the court.

Appropriate order in this respect will be passed at any subsequent stage.

It has also been submitted on behalf of the petitioners that in the meantime a large number of candidates have joined schools by orders of this court.

The matter is adjourned till tomorrow when it will appear at 2 p.m.

(Abhijit Gangopadhyay, J.)