

08. 06. 2022

BP  
Sl. 145  
Court No. 17

WPA 9979 of 2022

Soumen Nandy  
Vs.  
The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate  
Mr. Firdous Samim  
Ms. Gopa Biswas  
..for the petitioner.

Mr. L.K. Gupta, Sr. Advocate  
Mr. Ratul Biswas  
..for the Board.

Mr. Billwadal Bhattacharyya  
Mr. Samrat Goswami  
..for CBI.

Mr. Joydeep Kar, Sr. Advocate  
Mr. Samrat Sen  
Mr. Bhaskar Prasad Vaisya  
Mr. S. Siddiqui  
Mr. Avishek Prasad  
..for the State.

Mr. Arindam Chattopadhyay,  
..for DPSC, Nadia.

1. Learned senior advocate for the State Mr. Kar has raised the point of maintainability and has submitted that the maintainability point be kept open and to be decided later.
2. However, I find that there cannot be any doubt about the maintainability of this writ application and I am satisfied from Annexure P-7 of the writ application that the writ application is not delayed. Annexure P-7 is an

order passed by the appellate authority under the Right to Information Act, 2005. From that Annexure P-7 it appears that the Right to Information application was made in 2018. The first appeal in respect of the said RTI application was filed on 23.10.2018. The second appeal was filed before the Commission on 10.12.2018 and the date of hearing was 13.04.2021. Therefore, the question of delay on the part of the petitioner cannot come in the way of maintainability of the writ application. The petitioner appeared in Teachers Eligibility Test 2014.

3. Mr. Gupta, learned senior advocate for the West Bengal Board of Primary Education, has submitted that the petitioner's allegation in respect of the persons named in pages 74 and 75 of the writ application is baseless as they got one mark for one wrong question in Teacher Eligibility Test-2014 and after getting that one mark all of them have been qualified in the TET and, therefore, they have been recruited along with other candidates totalling to 269. He further submits that this was done as per the resolution dated 30.11.2017 communicated to the Chairperson of Hooghly, District Primary School Council dated 04.12.2017. In respect of other set of candidates, as appears in page 78 of the writ

application, against whom the allegation is, they have been given appointment though some of them were not qualified, Mr. Gupta has submitted that he has to take instruction in this regard.

4. Mr. Gupta has also submitted that he will file a report before this court within a short time.

I direct the West Bengal Board of Primary Education to file the said report in the form of an affidavit on 15<sup>th</sup> June, 2022.

5. In this matter annexing one facebook page of one Mr. Upendra Nath Biswas, who was the Additional Director of CBI and also a minister in the first five years of the present Government, the petitioner has alleged that he has named one "Ranjan", who is in the business of selling job of primary school teachers. The petitioner has pleaded that the actual name of this 'Ranjan' is Chandan Mondal of Bagda, North 24 Parganas. It has also been alleged that he has special tie up with the Minister Level, Education Department of Government of West Bengal.
6. I direct the petitioner to add said Mr. Upendra Nath Biswas and said Chandan Mondal, who has been termed as 'Ranjan' as party respondents in course of the day.
7. Serious allegation by one responsible person, who was none other than the Ex-Additional

Director of CBI and a Cabinet Minister of the State Government in the first five years of the Government, has come before this court which is serious corrupt practice. I hold this aspect is to be thoroughly investigated by the CBI and such investigation is required to be started forthwith. The Police of this State is otherwise very efficient but controlled by some persons in power and cannot act freely which is common knowledge and without showing any disrespect to the Police authority I hold that CBI is the appropriate authority to investigate the matter.

8. CBI shall have every power to call and interrogate the said Chandan Mondal and it is expected that the erstwhile Additional Director, Mr. Upendra Nath Biswas will fully cooperate with the CBI to expose the scam of selling jobs as has been alleged. The CBI shall register a case in this regard and start investigation. CBI shall have every power to take into custody the said Chandan Mondal for interrogation if he does not cooperate with CBI.
9. Learned counsel for CBI, Mr. Billwadal Bhattacharya, is present and I direct Mr. Bhattacharya as well as learned advocate for the petitioner, Mr. Firdous Samim, to communicate this order immediately to CBI.

It is expected that CBI will start its action immediately.

10. This matter will appear on 15<sup>th</sup> June, 2022 when the report of the West Bengal Board of Primary Education will be filed in the form of an affidavit and a status report of CBI will also be filed before this court in a sealed cover.

List the matter accordingly.

(Abhijit Gangopadhyay, J. )

