

21. 04. 2023

BP
ADSL 1
Court No. 17

WPA 9979 of 2022
With
CAN 1 of 2023
CAN 2 of 2023

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

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

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
..for the Board

Mr. Billwadal Bhattacharyya
Mr. Arijit Majumdar
..for CBI.

Mr. Samrat Goswami
..for ED

Mr. Biswabrata Basu Mallick
Mr. Biman Halder
..for DPSC, Hooghly

The application being CAN 2 of 2023 affirmed today (21st April, 2023) has been filed after taking leave of this court for filing of this application today and on the ground of urgency to move the application today itself. Considering the urgency after the mentioning, I granted leave and the application is taken up for hearing today.

On behalf of the Enforcement Directorate (ED) the said application being CAN 2 of 2023 has been filed with specific pleading that while investigating the teachers' appointment scam (for the aspect for which ED was engaged) it came across the Municipality Recruitment Scam in this state which have got intermingled on account of common agents like Shri Ayan Sil and common beneficiaries and further stated that the victim in both the cases is same i.e. "public/common people at large". Therefore, a separate FIR for investigation of Municipality Recruitment Scam under the relevant provisions of IPC and Prevention of Corruption Act by the predicate agency (meaning thereby CBI) would be required.

It has been further submitted that on account of intermingling of the proceeds of crime of the Teachers' Recruitment Scam and Municipality Recruitment Scam and the fact that CBI is investigating the Teachers' Recruitment Scam, ED had shared detailed information with CBI under the provisions of Section 66 of Prevention of Money Laundering Act, 2002 with a request to investigate the predicate offence of Municipality Recruitment Scam as well.

Despite service nobody for the State is represented today at the time of hearing though the learned advocates for the petitioner and CBI are present.

After hearing learned counsel for the parties, I direct CBI to carry on investigation in the Municipality Recruitment Scam also which have got common agents like Ayan Sil and common beneficiaries and the victim in both the cases (that is the Education Scam and the Municipality Recruitment Scam) is “public/common people at large”. For this purpose, if necessary, for conducting the investigation without any impediment, CBI may file one FIR for investigating the case relating to Municipality Recruitment Scam which has been revealed from the application filed by ED.

ED has filed a brief of investigation today which is reproduced herein below :

**“Status Report on the Investigation conducted in
Primary Teachers Recruitment Scam in ECIR/KLZO-
II/19/2022 dated 24.06.2022”**

1. Enforcement Directorate (ED) recorded an ECIR bearing no. ECIR/KLZO-II/19/2022 dated 24.06.2022 on the basis of CBI FIR RC0102022A0006 dated 09.06.20233 (sic.) in the matter of illegalities and irregularities in the recruitment of primary teachers. The case relates to the selling of jobs of Primary Teachers in the schools of the government of West Bengal in lieu of money to the undeserving, unmeritorious, and below ranked holder candidates.

2. During investigation, cash amounting to **Rs. 49.80** crores and gold & jewellery valued at **Rs. 5.08 crores** were seized from the premises of Ms. Arpita Mukherjee, a close associate of Shri Partha Chatterjee, the then MIC Education. The ED filed Original Application (OA) No. 710/2022 dated 19.08.2022 before the Ld. Adjudicating Authority, PMLA, New Delhi for confirmation of the seized documents/ electronic evidence and cash amounting to Rs. 49.80 crores and gold & jewellery valued at Rs. 5.08 crores and the same was confirmed by the Ld. Adjudicating Authority under PMLA vide its order dated 17.01.2023. The investigation also unearthed further proceeds of crime amounting to **Rs. 48.67 crores** belonging to Ms. Arpita Mukherjee and Shri Partha Chatterjee. The investigation revealed that Shri Partha Chatterjee was the beneficial owner of these properties and the same were kept in the name of Ms. Arpita Mukherjee and companies incorporated in the name of dummy persons by Shri Partha Chatterjee. A Provisional Attachment Order No. 04/2022 dated 18.09.2022 was issued by ED for attaching the said proceeds of crime. An Original Complaint (OC) No. 1827/2022 dated 16.10.2022 was filed by the ED before the Ld. Adjudicating

Authority, PMLA, New Delhi and the same was confirmed by its order dated 14.03.2023.

- Investigation further unearthed proceeds of crime amounting to **Rs. 29 crores** (approximately) being generated by Shri Manik Bhattacharya, MLA and Ex-President of the West Bengal Board of Primary Education. A second Provisional Attachment Order bearing no. 05/2022 dated 06.12.2022 was issued attaching therein proceeds of crime amounting to **Rs. 7.93 crores** belonging to Shri Manik Bhattacharya and his family members. An Original Complaint (OC) no. 1882/2022 dated 31.12.2022 has been filed before the Ld. Adjudicating Authority under PMLA for the confirmation of the provisionally attached assets of Shri Manik Bhattacharya and the same is pending adjudication. Investigation has revealed that proceeds of crime to the tune of more than **Rs. 250 crores** has been generated by various accused persons in the primary teachers recruitment scam only and the same has been further utilized for personal use or siphoned off or invested in movable and immovable properties. Investigation has further revealed that the proceeds of crime have also been invested by some of the accused persons in the Bengali film industry Tollywood and efforts are

underway to identify the same for attaching the same under the provisions of PMLA, 2022. The amount of proceeds of crime being generated by various persons involved in the case is only increasing day by day and is likely to be double the amount already identified. The total seizure and attachment out of the generated in the case stands at **Rs. 111 crores** so far.

4. Further, **six persons** have been arrested so far in the case namely Shri Partha Chatterjee, Ms. Arpita Mukherjee, Shri Manik Bhattacharya, Shri Kuntal Ghosh, Shri Santanu Banerjee and Shri Ayan Sil. The Prosecution Complaint (PC) in the case was filed before the Hon'ble Special Court (PMLA), Calcutta on 19.09.2022 followed by two supplementary PCs on 07.12.2022 and 21.03.2023 against **15 accused persons** including the persons already arrested on different dates. The cognizance of PC as well as the Supplementary PCs has also been taken by the Hon'ble Special Court under PMLA.
5. During further investigation in respect of Primary Teachers Recruitment Scam under PMLA, 2002, searches were carried out at various premises linked to one Shri Ayan Sil and others on 19/20.03.2023. During the course of search, several incriminating

documents along with digital evidences were recovered and seized from the possession of Shri Ayan Sil. The scrutiny of the incriminating documents has revealed that the scam is not only limited to recruitment of the teachers but also covers several other appointments by the various municipalities [including Kanchrapara, New Barackpur, Kamarhati, Titagarh, Baranagar, Halisahar, South Dum Dum (N), Dum Dum, Taki etc.] which ranges from recruitments of Mazdoors, Sweepers, Clerks, Peon, Ambulance attendants, Assistant mistries, Pump operators, Helpers, Sanitary assistants, Drivers, etc.

6. Investigation revealed that the contracts pertaining to various Municipalities, District Primary School Councils etc. were given to a single company M/s. ABS Infozone Pvt Ltd. (Director – Shri Ayan Sil) for the printing of question papers, printing of OMR sheets, evaluation of marks obtained by the candidates and preparation of the merit list etc. Shri Ayan Sil and other high functionaries including public servants and political leaders hatched the criminal conspiracy among themselves including other private persons and in pursuant to that conspiracy Shri Ayan Sil, Director of M/s ABS

Infozone Pvt. Ltd. by abusing his power and position of being responsible for the printing, designing and evaluation of OMR sheets resorted to manipulation of OMR sheets of the candidates and facilitated the illegal appointments of several unmeritorious candidates in several municipalities in lieu of money. The interrogation of Shri Ayan Sil revealed that an amount of more than Rs. 200 Crores have been collected from the candidates towards giving them illegal appointments in various Municipalities of West Bengal.

7. In view of the above, it is apparent that the accused persons were involved in giving illegal appointments to unmeritorious candidates in several Municipalities by manipulating their OMR sheets in lieu of money. As such, it appears that the accused persons have committed offences specified under section Sections 120B, 420, 467, 468, 471 & 34 of Indian Penal Code, 1860 and Sections 7, 7A, 8, 12 and 13 of PC Act, 1988. It has been noticed that several persons including Shri Ayan Sil, other agents, intermediaries and political persons have obtained the bribe money/ illegal money / illegal considerations both in respect of illegal recruitment of teaching and non-teaching staff in the education sector as well as for

securing various employments in various municipalities and even the proceeds of crime of Teachers Recruitment Scam and the Municipality Recruitment Scam have got intermingled on account of common agents like Shri Ayan Sil and common beneficiaries and the fact the victim in both the cases is same i.e. “public / common people at large”, a separate FIR for investigation of Municipality Recruitment Scam under the relevant provisions of IPC and PC Act by CBI would be required.

8. Considering the aforesaid facts revealed during investigation of “teachers recruitment scam”, the detailed information has already been shared with the CBI, Headquarters under the provisions of section 66 (2) of the Prevention of Money Laundering Act, 2002 for further necessary action to investigate the predicate offence of corruption, cheating etc. involved in this very serious case of large public interest i.e., “Municipality Recruitment Scam” in the state of West Bengal.

Submitted by

Sd/-
(Mithilesh Kumar Mishra)
Assistant Director
Enforcement Directorate
Kolkata Zonal Office-II”

I have understood from the pleading and the submissions made by the parties that relating to application being CAN 1 of 2023 connected with WPA 9979 of 2022 in respect of which one SLP has been admitted by the Hon'ble Supreme Court that there is no connection of the present matter with that CAN 1 of 2023 and as the present application CAN of 2023 is a new and unconnected application, I have passed the above order making the brief of the investigation of the ED dated 21.04.2023 a part of this order.

CBI will file a report as to what steps have been taken by them in this regard after this order is passed today and for this purpose the matter will appear in the list on 28th April, 2023 at 2 p.m.

I direct the Director General of Police of this state and the Chief Secretary of this State to instruct all Departments concerned under them to help and assist the CBI and ED in their functioning while investigating the scam if so requested by CBI and by ED.

Affidavit of service is to be filed in course of the day by the learned advocate for the ED. However, the letter covering under which copies of this applications were served upon the learned advocates including the learned Government Pleader today (21.04.2023), has been

shown to this court. For the purpose of affirming the affidavit of service, I am returning the said letter to the learned advocate for ED.

Learned advocate for the Board, Mr. Saikat Banerjee has submitted that the Board has not been served with the application, which according to him, is also not necessary for the Board.

(Abhijit Gangopadhyay, J.)