

10 & 11
29.09.2023
Sh/dp/agm

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 7907 of 2019

Ramesh Malik & Ors.

v.

The State of West Bengal & Ors.

with

**IA No. CAN 1 of 2022, CAN 3 of 2023, CAN 4 of 2023,
CAN 5 of 2023 & CAN 7 of 2023.**

With

WPA 9979 of 2022

Soumen Nandy

v.

The State of West Bengal & Ors.

with

**IA No. CAN 1 of 2023, CAN 2 of 2023
CAN 7 of 2023, CAN 8 of 2023**

**Mr. Bikash Ranjan Bhattacharya, Sr. Adv.,
Mr. Sudipta Dasgupta,
Mr. Bikram Banerjee,
Mr. Arka Nandi,
Ms. Dipa Acharyya,
Mr. Sutirtha Nayek.**

**... For the petitioners
in WPA 7907 of 2019.**

**Mr. Bikash Ranjan Bhattacharya, Sr. Adv.,
Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Payel Shome,
Ms. Sampriti Saha,
Mr. Avijit Kar.**

**... For the petitioner
in WPA 9979 of 2022.**

**Mr. Billwadal Bhattacharyya, Ld. DSGI,
Mr. Arijit Majumdar.**

... For CBI in both the matters.

Mr. Sirsanya Bandopadhyay, Jr. SC.
Mr. Arka Kumar Nag.
... For the State
in both the matters.

Mr. Dhiraj Kumar Trivedi, Ld. DSGI,
Mr. Samrat Goswami,
Mr. Supriti Sarkhel..
... For Enforcement Directorate in
both the matters.

Mr. Sourav Kumar Mukherjee.
... For Dr. Manik Bhattacharya.

A report has been filed by Mithilesh Kumar Mishra, Assistant Director, Enforcement Directorate signed on 29th September, 2023. The Court is yet to peruse the entire report.

Learned advocate appearing for the Enforcement Directorate has drawn the attention of the Court to page 5 of the said report. It appears therefrom that three separate teams have been constituted to enquire into the various scams that is being presently investigated by the Directorate.

The signatory to the report Sri Mithilesh Kumar Mishra has been included in the team for looking into the investigation relating to the primary teachers recruitment scam.

On the last occasion i.e. 25th September, 2023, the Court had an opportunity to interact with the said Sri Mithilesh Kumar Mishra in open Court. Sri Mithilesh Kumar Mishra was unable to provide satisfactory answers to the questions put forward by the Court.

On such interaction the Court is convinced that the said officer will not be competent enough to handle the instant recruitment scam case which is of such huge magnitude. The said officer showed lack of confidence to investigate the matter involving highly influential politicians, member of the Parliament, members of the film industry, bureaucrats, businessmen etc.

Investigation in the instant case ought to be conducted by thoroughly trained, experienced, efficient investigating officers. The Director, Enforcement Directorate is directed to immediately assign the job entrusted to Sri Mithilesh Kumar Mishra to some other competent, dedicated officer.

Sri Mithilesh Kumar Mishra shall be relieved from the investigation of the present case and Sri Mithilesh Kumar Mishra is directed to hand over all files and documents in relation thereto to the supervising Deputy Directors at once.

The Director, Enforcement Directorate may engage Sri Mithilesh Kumar Mishra in any other case but the said officer will not be entrusted to investigate any case arising in the State of West Bengal.

It has been brought to the notice of this Court that summons have been issued directing for appearance on 3rd October, 2023. The Investigating Officers will take appropriate necessary steps to follow up and conclude the investigation at the earliest.

The Director, Enforcement Directorate is directed to take immediate steps to engage fresh investigating officer(s) in the matter so that the enquiry and investigation which

is scheduled on 3rd October, 2023 and thereafter is not hampered in any manner whatsoever.

Mr. Dhiraj Kumar Trivedi, Ld. Deputy Solicitor General of India who is representing the Enforcement Directorate is directed to communicate this order to the Director, Enforcement Directorate at once.

(Amrita Sinha, J.)