

Court No. 17

WPA 12266 of 2021

18.11.2021

(AD 99)

[at 3:30 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

... 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

Ms. Koyeli Bhattacharya

... for the WBBSE

The School Service Commission now has come up with one rectified affidavit stating that the relevant paragraphs, being paragraph nos. 9, 10, 11 and 12 are true to the knowledge of the Secretary of the West Bengal Central School Service Commission. This affidavit has been affirmed today at 3:40 p.m. The earlier one, which was not proper, was affirmed at 12.40 p.m. Let the affidavit filed on behalf of the Commission be kept on record.

Yesterday it was submitted before this court by Mr. Bhattacharya, learned senior advocate for the petitioners, that at least 500 more appointment letters, on the basis of recommendation by different regions of the Commission, have come to the knowledge of the petitioners.

Today it has been submitted that the number may be even more.

I direct the petitioners to come up with a neatly typed document containing the names and addresses of those persons serially, starting from serial no. 34 on 22nd November, 2021, on which day this matter will appear in the list at 3:30 p.m. for further hearing. Those pages will be added to the cause-title and thereby those persons will be added as respondents.

I have already directed that the petitioners will serve copies upon the 25 persons already named today. The rest 500 or more respondents, who would be added on 22nd November, 2021, are to be supplied with copies of the writ application and such copies are to be served not by the petitioners. Because they are mere individuals and if they are directed to serve copies upon those 500 odd added respondents, it will really be a burden upon them – may be a denial of justice.

Therefore, I direct the Commission to take the responsibility of service of copies of the writ application upon those persons who would be added as respondents on 22nd November, 2021.

The Board is not a party to this proceeding as yet. Now I feel, and Mr. Bhattacharya also submits, that the West Bengal Board of Secondary Education should come before this court for making their submission in the matter.

I direct the petitioners to add the West Bengal Board of Secondary Education as a party respondent forthwith in course of the day and to serve a copy of the writ application immediately upon Ms. Koyeli Bhattacharya, who usually appears for the Board.

Though Ms. Bhattacharya's client is not a party to this proceeding as yet, she has appeared today and on instruction she has made a very surprising submission that all the recommendation letters were sent to them by the Commission.

I direct the President of the Board, who is one responsible officer, to file an affidavit stating wherefrom the Board got all those recommendation letters on the basis of which the appointment letters were issued by the Board. Such affidavit is to be filed on 22nd November, 2021 at 3:30 p.m. when this matter will be taken up for further hearing.

The President of the Board is further directed to take into his custody all receiving registers of the relevant point of time when the office of the Board received the recommendation letters from some other authorities or persons because in the subsequent stage of the proceeding, including the investigation, if any,

this will be required. Such receiving registers should be kept in safe custody and in a sealed manner.

List this matter on 22nd November, 2021 when it will be taken up at 3:30 p.m. irrespective of any resolution of the bar, if there be any.

(Abhijit Gangopadhyay, J.)