

27. 09. 2023

BP/SA/S.Banerjee  
Sl 8 & 9  
Court No. 17

WPA 2005 of 2022

Santanu Sit and Ors.  
Vs.  
The State of West Bengal & Ors.

And

WPA 9834 of 2022

Bablu Pal and Ors  
Vs.  
The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.  
Mr. Dibyendu Chatterjee  
Mr. Pritam Majumdar  
Mr. Rahul Deb Goenka  
Mr. Mainak Singha Barma

..for the petitioners

In WPA 2005 of 2022

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.  
Mr. Sudipta Dasgupta  
Mr. Ali Ahsan Alamgir  
Ms. Soma Mal  
Ms. Rabia Khatoon  
Ms. June Modak

..for the petitioners in  
WPA 9834 of 2022

Mr. Billwadal Bhattacharya, Ld. DSGI  
Mr. Arijit Majumder  
..for CBI

Mr. Saikat Banerjee  
Mr. Koushik Chowdhury  
..for the Board

Ms. Iti Dutta  
..for the State  
In WPA 2005 of 2022

Mr. Jahar Dutta  
Mr. Bipin Ghosh  
..for the State in  
WPA 9834 of 2022  
Mr. Samrat Goswami  
..for ED

It is directed to all authorities under the Government of West Bengal not to make or entertain any complaint either against the head of the SIT or any member of the SIT constituted by this court without the leave of this court as, in reply to my question, I am told by the Head of SIT that he is being harassed by Kolkata Police as of now in respect of a complaint made by an accused and subsequent order of Judge, CBI special court.

Though the police force of this state is a competent force to handle all situations including law and order, I have not engaged the Kolkata Police in this matter for the reason that there are involvement of different influential persons of politics and authorities under the State of West Bengal in this matter and also in some other connected matters. It is thus wholly improper to hand over the inquiry in respect of allegation of an accused already arrested.

Therefore, even if there is any order passed by any District Court for taking steps in the matter or to ask some questions to the head of the SIT, and the SIT members, no step can be taken pursuant to such order by any authority as indicated above without leave of this court.

It is very unfortunate and I am highly

surprised after knowing during course of hearing today that one Judge of CBI Special Court, Alipore, South 24 Parganas has involved Calcutta Police in a matter in respect of an allegation of a person who is an accused and in custody, giving direction to Kolkata Police to inquire of the allegation against the Head of the SIT. I castigate such order passed by the said CBI Judge. Such Judge has no business to send the SIT to Kolkata Police for inquiry. Both the police authorities and such Judge, should keep in mind that as this SIT has been constituted by this court, they have no business to send the officers of SIT for inquiry to such police authority. I have also come to learn today in the course of hearing that this CBI Special Court Judge Mr. Arpan Chatterjee is acting as CBI judge as in the CBI court a transfer order has not been given effect to till date though the transfer order is quite old. I wonder why the transfer order has not been given effect to. Whose hand is upon the head of the present CBI Judge (acting) for which transfer of a new inequivalent has not been made? The transfer order has to be given effect to by 4<sup>th</sup> October, 2023.

Till the new incumbent joins the post no matter being investigated by SIT constituted by this court shall be taken up by said Arpan Chatterjee as a

Special CBI Judge.

In reply to my question the Head of the SIT did not initially want to say as to the different hurdles faced by CBI but ultimately has stated that in the chargesheet they already filed in one case they named four persons as witnesses but the said Judge Mr. Arpan Chatterjee has destroyed the whole thing by sending them to the jail custody. I do not know what is the reason of this over enthusiasm of said CBI Special Court Judge who is acting there. Instead of protecting the witnesses, he has acted detrimentally to the investigation. CBI says, after this incident nobody is opening their mouth in apprehension that they would also be arrested by the order of the CBI court if they became witnesses.

I make it clear that the persons who would be named henceforth as witnesses by CBI, shall not be arrested by order of anybody except CBI or ED. So this assurance can be given to the witnesses by the investigating agencies namely, CBI and ED, that if they want to depose as witnesses there shall be protection of this court because it is the endeavour of this court to expose the whole corruption in appointment of teachers in this State.

I direct the Chief Secretary to the

Government of West Bengal to bring it to the notice of the Hon'ble Chief Minister of this State that no person should file complaints against the Investigating officers of SIT or ED who are investigating this scam relating to recruitment of teachers without the express leave of this court.

Zero tolerance to corruption should be there in letter and spirit and it should not remain only a slogan in the mouth of the most corrupt persons.

On last occasion i.e. on 20<sup>th</sup> September, 2023 in WPA 2005 of 2022 I directed the Director of CBI, Mr. Pravin Kumar Sood to appear before this court via video conference on 4<sup>th</sup> October, 2023 at 2 p.m. which is kept in abeyance now and he need not appear and he need not file any report. This order is being passed for the reason that today CBI has clarified that they have taken some steps against the person who are involved in this original OMR sheets which is a part of the scam of the appointment of teachers in this State.

CBI is directed to file a report before this court in respect of this investigation as to OMR sheet and its preservation by S.Basu Roy & Company and the result of interrogation of this S. Basu Roy & Company before this court on the next date of hearing i.e. on 18<sup>th</sup> October, 2023.

The matter is adjourned till 18<sup>th</sup> October, 2023 when it will be taken up at 2 p.m.

The West Bengal Board of Primary Education is directed to place any resolution of the ad hoc Committee of the Board for not keeping the mirror image of the OMR sheets in respect of 2014 TET. If there is any such resolution it has to be filed in the form of an affidavit on 18<sup>th</sup> October, 2023 when the matter will be taken up for further hearing.

One typographical error is required to be correctly read in the order dated 19.09.2023. In the first line of the said order it has been wrongly typed as 'CBI, SEB' instead of 'CBI,ACB'. The same correct acronym is to be read in all other places in the said order wherever it has been wrongly printed.

The appearance of the Head of the SIT Mr. Ashwin Shenvi, DIG, CBI is dispensed with.

The Judicial Secretary, Government of West Bengal has stated that the new incumbent to be appointed in the post of CBI Judge, Special Court in the district of South 24 Parganas at Alipore, being CBI court no.1, has not been given appointment as file for his appointment is kept with the Hon'ble Minister of law and Justice. I understand that when a file is kept with the Minister, a Secretary is helpless. According to him the

file is pending there from 25<sup>th</sup> August, 2023. So, in the special facts and circumstances of the matter, I request the said Hon'ble Minister to appear before this court at 5 p.m. today when Judicial Secretary shall also remain present before this court along with learned advocates for the petitioners and CBI.

Mr. Billwadal Bhattacharya, learned advocate, who appears for CBI, is directed to communicate the gist of the order to the learned Advocate General immediately. The learned Advocate General shall communicate this order to the Hon'ble Minister.

(Abhijit Gangopadhyay, J. )

Later at 5 p.m.

The Minister in Charge, Law and Justice Government of West Bengal has appeared personally. He has submitted that he would clear the file by 6<sup>th</sup> December, 2023 so that the new incumbent can join the post immediately thereafter.

(Abhijit Gangopadhyay, J. )