

Court No. 17

**18.10.2023**

(AD 5 & 6)

(S. Banerjee)

WPA 2005 of 2022

Santanu Sit & Ors.

Vs.

The State of West Bengal & Ors.

with

CAN 1 of 2022

CAN 2 of 2022

CAN 3 of 2022

with

WPA 9834 of 2022

Bablu Pal & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee  
Mr. Pritam Majumdar  
Mr. Rahul Den Goenka  
Mr. Mainak Singha Barma  
Ms. Satabdi Das

... for the petitioners (in item no. 5)

Mr. Sudipta Dasgupta  
Mr. Ali Ahasan Alamgir  
Ms. Riya Das  
Ms. Soma Mal  
Ms. Rahia Khatun

... for the petitioners (in item no. 6)

Mr. Jahar Dutta  
Mr. Bipin Ghosh

... for the State (in item no. 6)

Mr. Saikat Banerjee  
Mr. Kaushik Chowdhury

... for the WBBPE

Mr. Billwadal Bhattacharya, DSGI  
Mr. Arijit Majumdar

... for the CBI

I am told by the learned advocate for the  
petitioner that the West Bengal Board of Primary

Education has filed one interim application being IA No. 213931 of 2023 with prayers to stay all the proceedings of WPA 15010 of 2022, WPA 2005 of 2022 and WPA 9834 of 2022.

Learned advocate for the petitioners further submitted that this interim application was mentioned today for urgent listing and hearing which has not been permitted by the Hon'ble Supreme Court.

From the report filed by CBI it is found no authorization for handing over of the confidential records like OMR answer sheets to M/s. S. Basu Roy & Co. was made for scanning of such OMRs in their office premises. Moreover, during process of scanning no member of the West Bengal Board of Primary Education remained present and the entire process remained unsupervised.

It is further found from the report of CBI that the OMRs were designed by M/s. S. Basu Roy & Co. in such a manner that the names, date of birth etc. of any candidate could not be captured with his/her role number during scanning, as those fields were not made part of the OMR. Had those parameters been included in the OMR designing, the detail of any candidate like his/her role number, name, date of birth etc. i.e., unique identity features could be recorded from such

OMR. But in the instant incident only role number of the candidate was captured during scanning together with his booklet code, gender, answer responses etc.

In a large number of matters which were heard by this court the present officials of the Board, i.e., the President and the Deputy Secretary of the West Bengal Board of Primary Education have tried to pass off some printed documents as digitized copy of OMR knowing it fully well that no authorization for handing over of the confidential records like OMR answer sheets to M/s. S. Basu Roy and Co. was made for such scanning of such OMRs.

Therefore, I find it necessary that CBI should start interrogation forthwith in respect of the present President, Mr. Goutam Pal, and the present Deputy Secretary, Dr. Partha Karmakar. Such interrogation should start from today itself.

At this juncture learned advocate for CBI has submitted that the President of the Board should be directed by this court and the direction should be communicated by the learned advocate for the West Bengal Board of Primary Education that he must appear in CBI office at Nizam Palace, Kolkata at 6 p.m. today. CBI has full liberty to decide when the other officials of the present Board would be called for interrogation in

respect of this OMR scam and other related matters including the whole appointment scam in primary teachers' recruitment. If they do not cooperate with CBI, CBI shall have every liberty to take them into custody for custodial interrogation.

I have found that the present report filed by CBI is a thorough and very informative one with particulars and material facts.

I direct my officers to keep this report again in the envelope in a sealed manner (resealed) and this report is to be sent forthwith to the Registrar General's office for keeping it in safe custody. This report is extremely important.

For convenience of all the members of SIT and the head of the SIT, Mr. Shenvi, I repeat that today I have engaged one new member in the SIT namely Mr. Snehangshu Biswas, who is now posted in New Delhi and a Bengali knowing officer who would be, in my view, of much help in the investigating team. I have already passed order in other matter directing CBI to transfer him in Kolkata and I have directed Mr. Biswas to join Kolkata by 20<sup>th</sup> October, 2023.

This matter will be taken up for further hearing on 18<sup>th</sup> December, 2023. On that date no further report would be required by this court but I believe by this

time CBI will issue appropriate instruction to their learned advocate so that he can make appropriate submission before this court in respect of this OMR sheet scam.

**(Abhijit Gangopadhyay, J.)**