

05-07-2024
ct no. 13
Sl. 1 to 46
sp

WPA 2005 of 2022
With
CAN 1 of 2024
With
CAN 2 of 2024
With
CAN 3 of 2024
With
CAN 4 of 2024
With
CAN 5 of 2024
With
CAN 6 of 2024
With
CAN 7 of 2024
With
CAN 8 of 2024
With
CAN 9 of 2024
With
CAN 10 of 2024
With
CAN 11 of 2024
With
CAN 12 of 2024
With
CAN 13 of 2024
With
CAN 14 of 2024
With
CAN 15 of 2024
With
CAN 16 of 2024
With
CAN 17 of 2024
With
CAN 18 of 2024
With
CAN 19 of 2024
With
CAN 20 of 2024
With
CAN 21 of 2024
With
CAN 22 of 2024
With
CAN 23 of 2024

With
CAN 24 of 2024
With
CAN 25 of 2024
With
CAN 26 of 2024
With
CAN 27 of 2024
With
CAN 28 of 2024
With
CAN 29 of 2024
Santanu Sit & Ors.

-Versus-

The State of West Bengal & Ors.

With
WPA 11201 of 2024
Avijit Patra

-Versus-

The State of West Bengal & Ors.

With
WPA 11203 of 2024
Debabrata Das.

-Versus-

The State of West Bengal & Ors.

With
WPA 11407 of 2024
Ranjit Mondal & Ors.

-Versus-

The State of West Bengal & Ors.

With
WPA 12150 of 2024
Bablu Biswas

-Versus-

The State of West Bengal & Ors.

With
WPA 9834 of 2022
Bablu Pal & Ors.

-Versus-

The State of West Bengal & Ors.

With
CAN 1 of 2024
With
CAN 2 of 2024
With
CAN 3 of 2024
With
CAN 4 of 2024
With

CAN 5 of 2024
 With
 CAN 5 of 2024
 With
 CAN 6 of 2024
 With
 WPA 17752 of 2023
 Nihar Ali

-Versus-

The State of West Bengal & Ors
 With
 WPA 24465 of 2023
 With
 CAN 1 of 2024
 Md. Delawar Hosain Molla & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 25746 of 2023
 Sabnam Sultana & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 24445 of 2023
 Sirajum Munira

-Versus-

The State of West Bengal & Ors
 With
 WPA 24885 of 2022
 Amit Kumar Mondal & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 26602 of 2022
 Koyena Dey & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 26350 of 2023
 Mrinmoy Sarkar & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 1313 of 2024
 Rajsekhar Mondal & Ors.

-Versus-

The State of West Bengal & Ors.
 With

WPA 22684 of 2023

Sampa Ghorui

-Versus-

The State of West Bengal & Ors.

With

WPA 23704 of 2023

Sukumar Dey & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 5893 of 2024

Md. Azharuddin & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 7493 of 2024

Raj Kumar Mal

-Versus-

The State of West Bengal & Ors.

With

WPA 29142 of 2022

Ashik Mondal & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 22206 of 2023

Imran Ali Sk. & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 28737 of 2023

Bijay Debnath & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 14826 of 2022

Debabrata Majhi & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 15010 of 2022

Rahul Chakraborty & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 6726 of 2024

Parvin Sarkar

-Versus-

The State of West Bengal & Ors.

With

WPA 6806 of 2024

Soma Majumder @ Soma Bose

-Versus-

The State of West Bengal & Ors.

With

WPA 22630 of 2022

Pamela Pal & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 20709 of 2022

Sourabh Mondal

-Versus-

The State of West Bengal & Ors.

With

WPA 22123 of 2022

Karali Porel & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 26143 of 2022

Sisir Adak

-Versus-

The State of West Bengal & Ors.

With

WPA 700 of 2023

Rupali Saha & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 22349 of 2022

Jolly Sarkar

-Versus-

The State of West Bengal & Ors.

With

WPA 26021 of 2022

Bapi Sarkar & Ors.

-Versus-

The State of West Bengal & Ors.

With
WPA 28299 of 2022
Pampa Pal

-Versus-

The State of West Bengal & Ors.

With
WPA 13614 of 2022
Md. Rabiul Hoque & Ors.

-Versus-

The State of West Bengal & Ors.

With
WPA 2629 of 2023
Rakhi Dutta

-Versus-

The State of West Bengal & Ors.

With
WPA 22907 of 2023
Anjan Kr. Sinha

-Versus-

The State of West Bengal & Ors.

With
WPA 5348 of 2023
Amit Kr. Mondal & Ors.

-Versus-

The State of West Bengal & Ors.

With
WPA 7035 of 2024
Subhra Jana (Pradhan)

-Versus-

The State of West Bengal & Ors.

With
WPA 21363 of 2023
Rajkumar Mondal

-Versus-

The State of West Bengal & Ors.

With
WPA 8043 of 2024
Sankar Das & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 15194 of 2023
Mousumi Manna & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 23750 of 2023
Priya Kole & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 5534 of 2021
Ganesh Soren & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 23571 of 2022
Swapan Kr. Sahoo & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 6217 of 2023
Rajkumar Mondal

-Versus-

The State of West Bengal & Ors.

With

WPA 7493 of 2024
Raj Kumar Mal

-Versus-

The State of West Bengal & Ors.

With

WPA 14422 of 2024
Sayantani Khan De & Ors.

-Versus-

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharyya,
Mr. Dibyendu Chatterjee,

Mr. Pritam Majumdar,
 Ms. Reshmi Ghosh,
 Ms. Satabdi Das,
 Mr. Mainak Singha Barma

..for the petitioners in WPA 2005 of 2022, WPA 24885 of 2022, WPA 26602 of 2022, WPA 22684 of 2022, WPA 23704 of 2023, WPA 14826 of 2022, WPA 2629 of 2023, WPA 5348 of 2023, WPA 6726 of 2024 and WPA 9806 of 2024

Mr. Partha Sarathi Deb Barman,
 Mr. N. Chowdhury

...for the applicants in CAN 3 of 2024 (in item no. 1) and CAN 1 of 2024 and CAN 3 of 2024 (item no. 6)

Mr. Ashoke Banerjee,
 Mr. Debdatta Saha,
 Mr. Subhamay Dewanji

...for the applicants in CAN 2 of 2024 (item no. 1)

Mr. Shyamal Sarkar,
 Mr. Piyus Chaturvedi,
 Mr. Kuntal Ray

..for the respondent in CAN 5 of 2024 (in item no. 1)

Mr. K.M. Hossain,
 Mr. K. A. Ali

..for the applicant in CAN 6 of 2024 in WPA 2005 of 2022

Mr. Rabiul Islam,
 Mr. Raju Mondal,
 Md. Bani Israil

...for the applicants in CAN 14 of 2024 (item no. 1)

Mr. Ali Ahsan Alamgir,
 Ms. Rabia Khatoon,
 Ms. Soma Mal,
 Ms. J. Modak,
 Ms. Priyanka Saha,
 Mr. Ishan Bhattacharya,
 Mr. Priyanka Saha

..for the petitioners in WPA 2005 of 2005, WPA 13614 of 2022, WPA 11201 of 2024, WPA 22907 of 2023, WPA 11203 of 2024, WPA 12150 of 2024, WPA 17752 of 2023, WPA 24445 of 2023, WPA 26143 of 2022, WPA 26350 of 2023, WPA 1313 of 2024, WPA 5893 of 2024, WPA 7035 of 2024, WPA 7493 of 2024 and WPA 9834 of 2022

Mr. Argha Chakraborti

...for the applicant in CAN 19 of 2024, CAN 22 of 2024, CAN 25 of 2024 in WPA 2005 of 2022.

Mr. Avik Pramanick

...for the petitioners in WPA 11407 of 2024

Ms. Soma Mal

..for the applicant in CAN 6 of 2024, CAN 7 of 2024, CAN 8 of 2024 and CAN 10 of 2024 in WPA 9834 of 2024

Mr. Sudipta Dasgupta,
Mr. Ali Ahsan Alamgir,
Ms. Rabia Khatoon,
Ms. Soma Mal

..for the petitioner in WPA 9834 of 2022

Mr. Bikash Ranjan Bhattacharya,
Mr. Sudipta Dasgupta,
Mr. Bikram Banerjee,
Mr. Anath Nath Naskar,
Ms. Dipa Acharyya,
Mr. Arka Nandi,
Mr. Sandwip Sutradhar,
Mr. Sutirtha Nayek,
Ms. Srinjini Chakraborty

..for the petitioner in WPA 14422 of 2024, WPA 15010 of 2022, WPA 15194 of 2023, WPA, 22123 of 2022, WPA 23750 of 2023, WPA 26021 of 2022 and WPA 9834 of 2022

Mr. Arunava Ghosh,
Mr. Anindya Lahiri,
Mr. Samrat Dey Paul,
Mr. Anish Chakraborty

...for the applicants in CAN 2 of 2024, CAN 28 of 2024 (in item no. 6)

Mr. Sakya Sen,
Mr. M. Nazar Chowdhury,
Ms. Sanchayita De

..for the applicants in CAN 3 of 2024

Mr. Soumya Majumder,
Mr. Binayak Gupta Bhaiya

...for the petitioner in CAN 4 of 2024

Mr. Sudhasatva Banerjee,
Mr. Saptarshi Banerjee,
Mr. Binayak Gupta Bhaiya

...for the applicant in CAN 4 of 2024, CAN 5 of 2024, CAN 9 of 2024 and CAN 11 of 2024 in WPA 9834 of 2022.

Mr. Binayak Gupta Bhaiya,
Mr. Arkadeb Biswas

...for the applicant in CAN 4 of 2024 in WPA 9834 of 2022

Mr. Soma Pal
...for the petitioner in CAN 6 of 2024 (in item no. 6)

Mr. Anindya Bose,
Mr. Vishak Bhattacharya,
Ms. Ruchira Chatterjee,
Mr. Biyanka Bhattacharya,
Mr. Mridul Biswas,
....for the petitioner in WPA 24465 of 2023 with CAN 1 of 2024 and WPA 25746 of 2023.

Mr. Pratik Dhar, Senior Advocate
Mr. R. Pattanayak
...for the applicant in CAN 26 of 2024 and CAN 27 of 2024 in WPA 2005 of 2002.

Mr. Bikash Ranjan Bhattacharyya,
Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Payel Shome,
Mr. Avijit Kar,
Ms. Sampriti Saha
...for the petitioner in WPA 29142 of 2022, WPA 22206 of 2023 and WPA 28737 of 2023

Mr. Soupal Chatterjee,
Mr. Prabir Kr. Das,
Mr. Anupam Das,
Mr. Abhishek Bhattacharya,
Mr. P. Mukherjee
..for the petitioners in WPA 9948 of 2024, WPA 11817 of 2024 and WPA 21322 of 2023

Mr. Biswaroop Bhattacharya,
Mr. Shiladitya Barma,
Ms. Priyanka Ghosh
..for the applicants in CAN 15 of 2024, CAN 24 of 2024

Mr. Shiladitya Barma,
Ms. Priyanka Ghosh
..for the applicants in CAN 24 of 2024

Mr. Sudip Ghosh Chowdhury
..for the petitioner in WPA 23571 of 2022

Mr. Pratik Dhar,
Mr. Subhendu Bandopadhyay,
Mr. Arindam Mitra

...for the applicant in CAN 29 of 2024

Mr. Supriyo Chattopadhyay,
Mr. S. Banerjee,
Ms. Iti Duta,
Mr. R.K. Ganguly

...for the State in WPA 2005 of 2022

Mr. Anindya Lahiri,
Mr. Samrat Dey Paul,
Mr. Anish Chakraborty

..for the respondent nos. 7 to 10 (in item no. 1)

Mr. Jayanta Samanta,
Ms. Indumouli Banerjee

...for the State in WPA 11201 of 2024

Mr. Samim ul Bari,
Ms. Sahina Sumi

...for the State in WPA 11203 of 2024

Mr. Biswabrata Basu Mallick,
Ms. Mrinalini Majumder,
Mr. Biman Halder

..for the State in WPA 11407 of 2024

Mr. Jahar Datta,
Mr. Bipin Ghosh

.. for the State in WPA 9834 of 2022

Mr. Bipin Ghosh

..for the State in WPA 2629 of 2023

Mr. Bhaskar Prasad Vaisya,
Mr. Sagnik Chatterjee

...for the State in WPA 16777 of 2022 and
WPA 17752 of 2023

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder

...for the State in WPA 24445 of 2023, WPA 13614 of 2022

Mr. S. Banerjee,
Mr. Ritesh Kumar Ganguly

...for the State in WPA 26602 of 2022 and WPA 7493 of
2024

Ms. Sonal Sinha,
Mr. Avishek Prasad

..for the State in WPA 13614 of 2022

Mr. Bhaskar Prasad Vaisya,
Mr. Chattopadhyay

Ms. Lipika Chatterjee
 ...for the State in WPA 12150 of 2024, WPA 22123 of
 2022, WPA 22684 of 2023

Mr. Bhaskar Prasad Vaisya,
 Mr. Arindam Chattopadhyay
 ...for the State in WPA 22123 of 2022.

Mr. Arindam Chattopadhyay
 Ms. Lipika Chatterjee
 ...for the State in WPA 12150 of 2024

Mr. Shamim ul Bari,
 Mr. Soumyajit Ghosh
 ...for the State in WPA 23704 of 2023

Ms. Tapati Samanta
 ..for the State in WPA 5893 of 2024

Mr. Biswabrata Basu Mallick,
 Mr. Sayan Ganguly
 ..for the State in WPA 29142 of 2022

Mr. Bhaskar Prasad Vaisya
 Mr. Ranjan Saha
 ..for the State in WPA 22349 of 2022,
 WPA 7035 of 2024 and WPA 28299 of 2022

Mr. Bhaskar Prasad Vaisya
 Mr. Nilay Baran Mandal
 ..for the DPSC, Purulia & Kolkata in WPA 5348 of 2023

Mr. Santanu Mitra,
 Ms. Rama Halder
 ..for the State in WPA 2005 of 2022

Mr. Biswabrata Basu Mallick,
 Mr. Parna Roy Chowdhury
 ..for the State in WPA 22206 of 2023

Mr. L.K. Gupta,
 Mr. Subir Sanyal,
 Mr. Dwarikanath Mukhopadhyay,
 Mr. Saikat Banerjee,
 Mr. Ratul Biswas,
 Mr. Kaushik Chowdhury
 ...for the WBBPE in all matters

Mr. Dhiraj Trivedi,
 Mr. Arijit Majumdar,
 Ms. Supriti Sarkhel

...for the CBI in WPA 2005 of 2022, WPA 15010 of
2022 and WPA 9834 of 2022

Mr. S.M. Hassan,
Ms. Anupama Yasmin
...for the Primary Board (in WPA 6217 of 2023)

Mr. Sanjib Das
..for the applicant in CAN 23 of 2024 in WPA 2005 of 2022

Mr. S.R. Das,
Mr. Kshetra Prasad Mukhopadhyay,
Mr. Susanta Kumar Rakshit,
Mr. Sayantan Rakshit,
Mr. Manish Biswas
..for the added respondents in CAN 4 of 2024, CAN 7 of
2024, CAN 8 of 2024, CAN 9 of 2024, CAN 10 of 2024,
CAN 11 of 2024, CAN 12 of 2024 and CAN 13 of 2024 in
WPA 2005 of 2022

Ms. Asha G Gutgutia
..for the NCTE in all matters

Mr. Rabindra Nath Pal,
Mr. Koustav Ratan Chatterjee
..for the DPSC, Jalpaiguri in all matters

Mr. Mrinal Kanti Biswas
..for the State in WPA 14826 of 2022

Mr. Debangshu Dinda
..for the State in WPA 8043 of 2024

Mr. S. Seal
..for the State in WPA 9806 of 2024

Mr. Samiran Giri
..for the DPSC, Purba Medinipur in WPA 5348 of 2023
and WPA 7035 of 2024

Mr. Swapan Banerjee,
Mr. Diptendu Narayan Banerjee
..for the State in WPA 6726 of 2024

1. Affidavit-in-oppositions in CAN 4 of 2024 and
CAN 5 of 2024 in WPA 9834 of 2022 filed in
Court today are taken on record.

2. Let the name of Mr. Pratik Dhar, learned Senior Counsel along with his junior Mr. Subhendu Bandopadhyay and Mr. Arindam Mitra be incorporated in the order dated 2nd July, 2024 as having represented the added respondents in CAN 29 of 2024.
3. This Court has heard the learned Deputy Solicitor General Mr. Dhiraj Trivedi and his junior as also the officials of the CBI. A report has been filed by the CBI dated 4th July, 2024, which is taken on record. Counsel for other parties have also been heard.
4. The location of the original/destroyed servers/discs/medium where the scanned OMR Sheets were stored must be traced out and retrieved by the CBI with due intensity. This can be achieved inter alia through further interrogation of the officials of M/s. S. Basu Roy & Co. as also any officials/employees of the Board and tapping of other sources and informers and/or special investigators from anywhere
5. Some additional questions that come for consideration of this Court are required to be addressed by Software and IT experts. These are in addition to those recorded in the order dated 3rd May, 2024.

6. The CBI is directed to take the assistance of anyone or more organizations (NIC, WIPRO, TCS, INFOSYS etc.) public or private, of their choice, for ascertaining the answers to the following questions:
- a) As to whether the existing servers/media/hard disc and CPUs available with M/s. S. Basu Roy & Co. and/or the WBBPE contain any digital footprint as regards the scanned original OMR Sheets of TET 2014. This must be examined with the help of independent experts public or private or any person/persons specialized in retrieving deleted data and accessing the metadata available with any organization, enforcement agency within the country. As already indicated earlier once a digital footprint is created, the same can always be retrieved.
 - b) The cost of engaging these experts or agencies, shall be borne/paid by the West Bengal Board of Primary Education, as and when demanded by the CBI.
 - c) The experts shall also indicate to the CBI and consequently to this Court, as to whether the original data extracted from

the OMR Sheets by the Sekonic method, underwent any subsequent manipulation or alteration including the dates and nature of manipulation.

- d) The CBI is requested to make all and every efforts to trace out all the media where the original OMR Sheets have been scanned and stored. All earlier reports, findings of the CBI and the steps taken by them shall be apprised and informed to be shared with the experts.
7. Learned counsel for the Board submits that copies of OMR Sheets of about 3 to 4 thousands candidates who have applied after depositing fees were duly supplied in or about 2017 after having been received from M/s. S. Basu Roy & Co. Another candidate, Hemanta Chakraborty was supplied the OMR Sheets in the year 2019 on direction of a Co-ordinate bench of this Court. Mr. Subir Sanyal and Mr. Lahiri deny the same.
8. This Court had occasion to consider copies of some OMR Sheets supplied by the Board in some writ petitions of TET 2014.
9. The CBI shall bear the same in mind and ascertain the source of such copies that were

available with the Board and supplied to the candidates.

10. List these matters 7 weeks hence i.e. 23rd August, 2024 along with WPA 16365 of 2023 and WPA 2779 of 2023.

(Rajasekhar Mantha, J.)