

ITEM NO.101

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2419-2420/2023

GOPINATH BHANJA & ORS.

Appellant(s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

([AS FIRST ITEM IN THE LIST AFTER MISC. MATTERS.]

IA No. 59526/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 84470/2023 - INTERVENTION/IMPLEADMENT, IA No. 84464/2023 - INTERVENTION/IMPLEADMENT, IA No. 60649/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 64697/2023 - STAY APPLICATION)

WITH

C.A. No. 2422/2023 (XVI)

(IA No. 60188/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 60633/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 2421/2023 (XVI)

(IA No. 59498/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 60605/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 67097/2023 - STAY APPLICATION)

C.A. No. 2482/2023 (XVI)

(IA No. 60440/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 62560/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 61485/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 4242/2023 (XVI)

(IA No. 32035/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 41313/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 4614/2023 (XVI)

(IA No. 47001/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 47651/2023 - EXEMPTION FROM FILING O.T. & IA No. 47649/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 16325-16326/2022 (XVI)

(IA No. 166821/2022 - CLARIFICATION/DIRECTION, IA No. 136943/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 166818/2022 - INTERVENTION APPLICATION, IA No. 176289/2022 -

PERMISSION TO FILE ADDITIONAL DOCUMENTS/ACTS/ANNEXURES & IA No. 147885/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

**SLP(C) No. 18322-18323/2022 (XVI)
(IA No. 156484/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 17044-17045/2022 (XVI)
(IA No. 143785/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 17756/2022 (XVI)
(IA No. 149954/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 17137/2022 (XVI)
(IA No. 144578/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 17754-17755/2022 (XVI)
(IA No. 149950/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 17208-17209/2022 (XVI)
(IA No. 145319/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 17412/2022 (XVI)
(IA No. 163279/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 175968/2022 - CLARIFICATION/DIRECTION, IA No. 163281/2022 - EXEMPTION FROM FILING O.T. & IA No. 182539/2022 - INTERVENTION/IMPLEADMENT)**

**SLP(C) No. 17649-17650/2022 (XVI)
(IA No. 72477/2023 - APPROPRIATE ORDERS/DIRECTIONS& IA No. 147651/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(Cr1) No. 9769/2022 (II-B)
(IA No. 156363/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 8262/2023 (XVI)
(IA No. 71592/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 7172/2023 (XVI)
(IA No. 71628/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**SLP(C) No. 4078-4079/2023 (XVI)
([ONLY S.L.P.(C) NO. 5811/2023 TO BE LISTED UNDER THIS**

ITEM.]

IA No. 41528/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 56231/2023 - INTERVENTION/IMPLEADMENT & IA No. 46649/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 4637-4638/2023 (XVI)

(IA No. 47274/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 80554/2023 - INTERVENTION/IMPLEADMENT & IA No. 47275/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES)

SLP(C) No. 5811/2023 (XVI)

(IA No. 46400/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 47288/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 7014/2023 (XVI)

(IA No.64921/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.64919/2023-PERMISSION TO FILE PETITION & (SLP/TP/WP/..) and IA No.64917/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-04-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For the Parties Mr. Gaurav Agrawal, Adv.

Mr. Amit Pawan, AOR

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Ms. Astha Sharma, AOR

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Mr. Divyansh Tiwari, Adv.

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Mr. Rohit Bansal, Adv.

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(for West Bengal Board of Primary Education)

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Ms. Sayani Bhattacharya, Adv.
Mr. Ruchir Mishra, Adv.
Ms. Pranati Das, Adv.
Mr. Samrat De Paul, Adv.
Mr. Puspall Chakraborty, Adv.

Mr. Puneet Bali, Sr. Adv.
Mrs. Devyani Ashra, Adv.
Mr. Aditya Soni, Adv.
Mr. Utkarsh Kaushik, Adv.
Mr. Atul Bhojane, Adv.
Mr. C.thangaraja, Adv.
Mr. S.krishnamoorthy, Adv.
Mr. K.kumaravadivel, Adv.
Mr. Chand Qureshi, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Rameshwar Prasad Goyal, AOR
Mr. Partha S.Deb, Adv.
Mr. Anindo Mukherjee, Adv.

Mr. P S Patwalia, Sr. Adv.
Ms. Meenakshi Arora, Sr. Adv.
Mr. Joydeep Mazumdar, Adv.
Mr. Debojyoti Bhattacharya, Adv.
C. Chaube, Adv.
Mr. Vikas Kumar, Adv.
Ms. Shalini Kaul, AOR

Mr. Suresh Ghosh, Adv.
Mr. Ashish Kumar Choudhary, Adv.
Mr. P.C.das, Adv.
Mr. Jaydeep Chatterjee, Adv.
Mr. Sushanta Dutta, Adv.
Mr. C.Thangaraja, Adv.

Mr. S.Krishnamoorthy, Adv.
Mr. K.Kumaravadivel, Adv.
Mr. Chand Qureshi, AOR

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Rauf Rahim, AOR
Mr. Firdous Samim, Adv.
Mr. Dibyendu Chatterjee, Adv.
Mr. Bikram Banerjee, Adv.
Mr. Sudipta Dasgupta, Adv.
Mr. Ali Asghar Rahim, Adv.
Ms. Gopa Biswas, Adv.
Mr. Sudipto Dasgupta, Adv.
Mr. Arkadeb Biswas, Adv.
Ms. Dipa Acharya, Adv.
Mr. Arka Nandy, Adv.
Ms. Mousami Hazra, Adv.
Mr. Arkadev Biswas, Adv.
Ms. Payel Shoma, Adv.
Mr. Aravind C., Adv.
Mrs. Piyali, Adv.
Mr. Saikat Sutradhar, Adv.
Mr. Sandip Sutradhar, Adv.
Ms. Sutirtha Nayak, Adv.
Mrs. Payali, Adv.
Ms. Shalini Ghosh, Adv.

Mr. Tushar Mehta, S.G.(NP)
Mr. S.V. Raju, A.S.G.(NP)
Mr. Mukesh Kumar Maroria, AOR
Mr. Annam Venkatesh, Adv.
Ms. Sairica Raju, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Shantnu Sharma, Adv.

Mr. Arvind Kumar Sharma, AOR

Mr. Kabir Shankar Bose, Adv.
Mr. Amit Mishra, Adv.
Mr. Surjendu Sankar Das, AOR
Mr. Bikram Banerjee, Adv.
Ms. Annie Mittal, Adv.
Mr. Abhijeet, Adv.

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Mr. Shreyas Awasthi, Adv.
Mr. Divyansh Tiwari, Adv.

Mr. Chanchal Kumar Ganguli, AOR
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 Ms. Deepakshi Garg Adv, Adv.
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 Mr. Vikas Jain, AOR
 Mr. Rajesh Sen, Adv.
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 Mr. Aviral Saxena, Adv.
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Ms. Madhavi, Divan, ASG(NP)
 Ms. Vaishali Verma, Adv.
 Mr. B K Satija, Adv.
 Mr. Aniruddh Sharma, Adv.
 Mr. G.S.Makker, AOR

Mr. Surjendu Sarkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

C.A. No(s).2419-2420/2023, C.A. Nos. 2422/2023, 2421/2023 & 2482/2023, SLP(C)No.8262/2023 & SLP(C) No. 7172/2023 (ITEM NOS.101 & 101.1 TO 101.3 & 101.16, 101.17)

Mr. Gaurav Agrawal, learned counsel is requested to assist this Court as Amicus Curiae in this batch of appeals/petitions. He has gracefully accepted this request. The report in compliance with our order passed on 12.04.2023 has been received from the High Court Registry. Let the Registry of this Court make available a copy of the said report to Mr. Agrawal. Mr. Agrawal, upon going through the report shall make extract the relevant portion therefrom and submit the same before us in the form of a report. The copies of the said summary shall be made available also to the learned advocates-on-record of all the appearing parties. We propose through the report ourselves on the next date of hearing.

In the event any of the parties want to take inspection of the said report in full, they shall be at liberty to do so in the Registry itself as per the applicable rules.

List on 03.05.2023.

The interim order, if any granted by this Court in these matter(s) shall continue until the next date of hearing.

SLP(C) No. 4242/2023, SLP(C) No. 4614/2023, SLP(C) No. 16325-16326/2022, SLP(C) No. 18322-18323/2022 SLP(C) No. 17044-17045/2022, SLP(C) No. 17756/2022, SLP(C) No. 17137/2022, SLP(C) No. 17754-17755/2022, SLP(C) No. 17208-17209/2022, SLP(C) No. 17412/2022, SLP(C) No. 17649-17650/2022 & SLP(Cr1) No. 9769/2022 (ITEM NOS.101.4 TO 101.15)

These matters are de-tagged from the rest of the proceedings which have been listed today as part of the same set of petitions/appeals.

Leave granted.

We have heard learned counsel appearing for the appellant(s), writ petitioner(s) and the West Bengal Board of Primary Education (the Board). No one, however, has appeared on behalf of the Central Bureau of Investigation (CBI). In our view, for effective adjudication of these matters certain clarification from the Board is necessary.

We, accordingly, direct the Board to file an affidavit disclosing therein the manner in which 273 candidates whose appointments are in question in these appeals, were selected after allocating them an additional mark. Such affidavit shall be filed by Monday i.e. 01.05.2023.

List these matters again for hearing on 03.05.2023.

The interim order, if any granted by this Court in these matter(s) shall continue until the next date of hearing.

SLP(C) No. 4078-4079/2023, SLP(C) No. 4637-4638/2023, SLP(C) No.5811/2023 & SLP(C) No. 7014/2023 (ITEM NOS.101.18 TO 101.21)

Issue notice in SLP(C)No. 7014/2023.

Mr. Rauf Rahim, learned advocate-on-record has appeared on caveat and accepts notice on behalf of the writ petitioner(s)-respondent(s) in SLP(C)No. 7014/2023. Hence, formal service of notice upon his clients is waived.

Mr. Kunal Chatterji, learned advocate-on-record has appeared and accepts notice on behalf of R.Nos.6 to 12 in SLP(C)No. 7014/2023.

The interim order, if any granted by this Court in these

matter(s) shall continue until the next date of hearing.

List on 01.05.2023.

(SNEHA DAS)
SR.PERSONAL ASSISTANT

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR