

ITEM NO.103+116+117+118+119

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

GOPINATH BHANJA & ORS.

Appellant(s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

([AS FIRST ITEM IN REGULAR LIST]

IA No. 59526/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

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

IA No. 60438/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

WITH

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

(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. 147885/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 176289/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 17044-17045/2022 (XVI)

(IA No. 143785/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 18322-18323/2022 (XVI)

(IA No. 156484/2022 - 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.)

SLP(C) No. 17649-17650/2022 (XVI)

(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)

WITH

SLP (C) No. 4242/2023

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

WITH

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)

WITH

SLP (C).... Diary No(s). 13035/2023

(FOR ADMISSION and I.R. and IA No.71592/2023-EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT and IA No.71593/2023-PERMISSION TO
 FILE PETITION (SLP/TP/WP/..))

WITH

SLP(C) No. 7172/2023

(FOR ADMISSION and I.R. and IA No.71628/2023-EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT)

Date : 12-04-2023 These matters were called on for hearing today.

CORAM :

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

For Appellant(s)/ Petitioner(S)	Mr. C U Singh, Sr. Adv. Mr. P S Patwalia, Sr. Adv. Mr. Mukul Rohatgi, Sr. Adv. Mr. Anindya Lahiri, Adv. Mr. Partha Sil, AOR Mr. Tavish Bhushan Prasad, Adv. Mr. Ruchir Mishra, Adv. Mr. Samrat De Paul, Adv. Ms. Pranati Das, Adv. Ms. Sayani Bhattacharya, Adv.
	Mr. Sunil Fernandes, Adv. Ms. Astha Sharma, AOR Mr. Srisatya Mohanty, Adv. Ms. Anju Thomas, Adv. Mr. Sanjeev Kaushik, Adv. Ms. Mantika Haryani, Adv. Mr. Shreyas Awasthi, Adv. Mr. Divyansh Tiwari, Adv. Mr. Himanshu Chakravarty, Adv. Ms. Ripul Swati Kumari, Adv. Mr. Bhanu Mishra, Adv. Mr. Devvrat Singh, Adv. Ms. Muskan Surana, Adv.
	Mr. Jaideep Gupta, Sr. Adv. Mr. Kunal Chatterji, AOR Ms. Maitrayee Banerjee, Adv. Mr. Rohit Bansal, Adv.

Ms. Kshitij Singh, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Parthiv K. Goswami, Sr. Adv.
 Ms. Diksha Rai, AOR
 Mr. Kumarpal Chopra, Adv.
 Mr. Ankit Agarwal, Adv.
 Ms. Jaikriti S. Jadeja, Adv.
 Mr. Vishesh Kalra, Adv.
 Ms. Atiga Singh, Adv.

Mr. Paramjeet Singh Patwalia, Sr. Adv.
 Ms. Meenakshi Arora, Adv.
 Mr. Amit Pawan, AOR
 Mr. Anand Nandan, Adv.
 Mr. Abhishek Amritanshu, Adv.
 Mr. Hassan Zubair Waris, Adv.
 Mr. Suchit Singh Rawat, Adv.
 Ms. Shivangi, Adv.
 Mr. Aakarsh, Adv.

Mrs. Meenakshi Arora, Sr. Adv.
 Mr. Joydeep Mazumdar, Adv.
 Mr. Debojyoti Bhattacharya, Adv.
 Mr. Vikas Kumar, Adv.
 Ms. Shalini Kaul, AOR

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

Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Nikhil Rohatgi, Adv.
 Mr. Rajib Mullick, Adv.
 Ms. Misha Rohatgi, AOR
 Mr. Nakul Mohta, Adv.
 Mr. Bharat Monga, Adv.
 Mr. Shashank Khurana, Adv.
 Mr. Mohd Ovais, Adv.

For Respondent(s) Mr. Sukesh Ghosh, Adv.
 Mr. Ashish Choudhary, Adv.
 Mr. P.c.das, Adv.
 Mr. Jaydeep Chhatterjee, Adv.
 Mr. Amit Kumar Sinha, Adv.
 Mr. Sriram Kamal, Adv.
 Mr. Aditya Prasad, Adv.
 Mr. Chand Qureshi, AOR

Mr. Kunal Chatterji, AOR (For W.B. School
Ms. Maitrayee Banerjee, Adv. Service Commission)
Mr. Rohit Bansal, Adv.
Ms. Kshitij Singh, Adv.

Mr. Sunil Fernandes, Adv.
Ms. Astha Sharma, AOR
Mr. Srisatya Mohanty, Adv.
Ms. Anju Thomas, Adv.
Mr. Sanjeev Kaushik, Adv.
Ms. Mantika Haryani, Adv.
Mr. Shreyas Awasthi, Adv.
Mr. Divyansh Tiwari, Adv.
Mr. Himanshu Chakravarty, Adv.
Ms. Ripul Swari Kumari, Adv.
Ms. Ripul Swati Kumari, Adv.
Mr. Bhanu Mishra, Adv.
Mr. Devvrat Singh, Adv.
Ms. Muskan Surana, Adv.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Rauf Rahim, AOR
Mr. Firdous Samim, Adv.
Mr. Bikram Banerjee, Adv.
Mr. Sudipta Dasgupta, Adv.
Mr. Ali Asghar Rahim, Adv.
Mr. Arkadeb Biswas, Adv.
Ms. Dipa Acharya, Adv.
Mr. Arka Nandy, Adv.
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Mr. Aravind C., Adv.
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Mr. Sandip Sutradhar, Adv.
Mr. Satirtha Nayak, Adv.
Ms. Shalini Ghosh, Adv.

Mr. Tushar Mehta, Solicitor General
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Ms. Sairica Raju, Adv.
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Mr. Rauf Rahim, AOR
Mr. Dibyendu Chatterjee, Adv.
Mr. Firdous Samim, Adv.
Mr. Bikram Banerjee, Adv.
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 Ms. Sairica S Raju, Adv.
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 Mr. Arvind Kumar Sharma, AOR

Ms. Sonia Mathur, Sr. Adv.
 Mr. Kabir Bose, Adv.
 Mr. Amit Mishra, Adv.
 Mr. Surjendu Sankar Das, AOR
 Mr. Bikram Banerjee, Adv.
 Mr. Abhijeet, Adv.
 Ms. Annie Mittal, Adv.
 Ms. Pratiksha Mishra, Adv.
 Ms. Ronika Tater, Adv.
 Mr. Divik Mathur, Adv.
 Ms. Rupakshi Soni, Adv.
 Mr. Nikhil Jaiswal, Adv.
 Mr. Simarjeet Singh Saluja, Adv.

Ms. Astha Sharma, AOR

Mr. Jaideep Gupta, Sr. Adv.
 Mr. Kunal Chatterji, AOR (For W.B. Board of
 Ms. Maitrayee Banerjee, Adv. Primary Edu.)
 Mr. Rohit Bansal, Adv.
 Ms. Kshitij Singh, Adv.

Ms. Shalini Kaul, AOR
 Mr. Vikas Jain, AOR

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
 Mr. Rauf Rahim, AOR
 Mr. Bikram Banerjee, Adv.
 Mr. Sudipta Dasgupta, Adv.
 Mr. Ali Asghar Rahim, Adv.
 Mr. Arkadev Biswas, Adv.
 Mr. Dipa Acharya, Adv.
 Mr. Arka Nandy, Adv.
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 Mr. Sandip Sutradhar, Adv.
 Ms. Sutirtha Nayak, Adv.

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Ms. Ripul Swati Kumari, Adv.

Mr. Bhanu Mishra, Adv.

Mr. Devvrat Singh, Adv.

Ms. Muskan Surana, Adv.

Mr. Amit Pawan, AOR

Mr. Swarnendu Chatterjee, AOR

Mr. Yashwardhan Singh Adv, Adv.

Ms. Megha Saha, Adv.

Ms. Deepakshi Garg Adv

UPON hearing the counsel the Court made the following

O R D E R

Permission to file petition is granted in I.A.

No.71593 of 2023.

Issue notice on SLP (C) Diary No.13035 of 2023
and SLP(C) No.7172 of 2023.

Mr. Kunal Chatterjee, learned Advocate-on-Record appearing on behalf of the West Bengal School Service Commission and West Bengal Board of Primary Education, Ms. Astha Sharma, learned Advocate-on-Record appearing on behalf of the State of West Bengal and Mr. Rauf Rahim, learned Advocate-on-Record appearing on behalf of the writ petitioners accepts notice. Hence, formal service of notices on the said respondents stand dispensed with.

Heard learned counsel appearing for the appellants/petitioners, the writ petitioners and the Central Bureau of Investigation("CBI").

Pressing for interim order at the time of hearing, Mr. Mukul Rohatgi, Mr. P.S. Patwalia, Mr. C.U. Singh, learned senior counsel for the appellants/petitioners primarily stressed on procedural flaw in passing orders of termination of their respective clients. It is their submissions that without giving them adequate opportunity to represent themselves, their services have been terminated as per direction of the High Court.

Mr. S.V. Raju, learned Additional Solicitor General appearing for the CBI has argued that there was a scam in the selection process and his clients found several instances of mis-matching the marks awarded to individual candidates with their OMR Sheets, stored in hard disks which the CBI claims to have recovered from one Mr. Bansal. The latter is an ex-employee of NYSA, which firm was awarded the contract of evaluation of the OMR Sheets.

Mr. Bhattacharya, learned senior counsel appearing for the writ petitioners has also emphasised that having regard to the dimension of the scam, no leniency ought to be shown to the appellants/petitioners and it was within the power and jurisdiction of the recommending body to recall

the recommendations in respect of selection process pertaining to the year 2016. In all these proceedings, appointments at various posts in different school level institutions in West Bengal are under challenge. The main ground on which the selection process is called into question is that selection of individual candidates were manipulated.

We have been taken through several orders passed by learned Single Judge and Division Bench of the High Court by which termination of selected candidates have been directed or upheld. At this stage, we have been addressed on the aspect of breaches of principle of natural justice in passing such orders. It has been submitted before us that the individual candidates were not heard before their termination was directed by the High Court.

We are conscious of the submissions made by Mr. Bhattacharya and Mr. Raju that in a case of this nature where extensive fraud is alleged to have been committed, Court has to ensure that manipulators are not given shelter by the process of Court. But we also cannot ignore the requirement of compliance of the principles of natural justice at this stage, particularly since the aggrieved candidates appear to be working in the respective posts since the year 2018-2019.

We direct listing of these matters for further

hearing on 26th April 2023 as the first item in the list after the miscellaneous matters. For the reason already indicated, the termination orders already passed in these matters shall be kept in abeyance till the next date of hearing in this set of proceedings.

Let copies of the petitions be served upon Mr. Raju.

We also direct the Registrar (General) of the High Court at Calcutta to send to this Court the copy of the report of the Committee chaired by Justice Ranjit Kumar Bagh (Retired), which was constituted by the High Court on 6th December 2021 in a sealed cover.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR