

24 **28.01.2022**

PA(SS)

WPA 2939 OF 2018
IA NO: CAN/1/2018 (Old No.: CAN/2048/2018),
CAN/2/2018 (Old No.: CAN/2113/2018)
Baidyanath Dutta
Vs.
Union of India & Others
(Through Video Conference)

Mr. Debasish Sur,
Mr. Mrinmoy Chatterjee, Advocates
..for the Petitioner

Mr. Partha Ghosh,
Mr. Jayanta Kumar Dhar, Advocates
..for the respondent Nos. 1, 4 and 5

1. This petition was filed seeking a direction to the respondent Nos. 2 and 3 to make impartial enquiry and further seeking a direction to the respondent No. 3 CBI to consider the petitioner's complaint dated 18.12.2017.
2. The allegation of the petitioner is in respect of lapse in investigation about one bag which was found missing in the year 2015 containing examination material of TET Exam 2015 from the custody of one Arup Das (the postal employee).
3. Having perused the petition we have noticed that a complaint was filed in this regard by the postal division against Arup Das along with 8 persons on the basis of which a case under Section 379 was registered. Arup Das and one more employee were also suspended and charge sheeted. Petition further reveals that

Administrator of West Bengal Board of Secondary Education had also filed a complaint before the police on the basis of which offence was registered and sanction was given to the CID to amalgamate two FIRs and conduct enquiry in which a final report was filed. Hence, due action has already been taken. It is further alleged by the petitioner that in the charge sheet issued to Arup Das there was mention about non-clearance of bill by Postal Department but no steps have been taken by the Postal Department to recover the amount from the Government of West Bengal.

4. Having examined the petition we have noticed that not only the action under the IPC but the departmental action has also been taken and now at this stage after almost 7 years of the incident no case is made out to entertain the petition and issue any direction, hence the same is dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)