

22-24 08.05.2023
RP Ct. No. 01
AN

WPA(P)/203/2022
IA No.: CAN 1 of 2022, CAN 2 of 2022, CAN 3 of 2022
TAPAS GHOSH
VS
STATE OF WEST BENGAL AND ORS.
with
WPA(P)/461/2022
BUDHESWAR MAHATO
VS
STATE OF WEST BENGAL AND ORS.
with
WPA(P)/547/2022
SRIDHAR CHANDRA BAGARI
VS
STATE OF WEST BENGAL AND ORS.

Mr. Kumar Jyoti Tewari,
Mr. Tarun Jyoti Tewari
Mr. Bikramjit Dutta
Mr. Amrit Sinha
Mr. Aniruddha Tewari

..for the Petitioners in
WPA(P)/203/2022.

Mr. Sridhar Chandra Bagari

..for the Petitioner
(in person) in
WPA(P)/547/2022.

Mr. L. K. Gupta, learned senior advocate
Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

.. for the WBBPE

Mr. Abhratosh Majumdar, learned senior advocate
Mr. Biswajit Kumar

..for the respondent no.

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Mr. S. N. Mookherjee, learned A.G.
Mr. Anirban Ray, learned G.P.
Sk. Md. Galif
Mr. Sudipta Dasgupta
Mr. Avishek Prasad

..for the State

Mr. Bilwadal Bhattacharyya, learned DSGI
.. for the CBI

1. We have heard the learned counsel for the parties.

2. The lead case in these batch of three writ petitions is WPA(P) 203 of 2022. In the said writ petition an order was passed by the Hon'ble Division Bench on 12.07.2022 and as against the said order, a Special Leave Petition was filed but the Hon'ble Supreme Court did not interfere with the order impugned. In the said order dated 12.07.2022 the Hon'ble Division Bench has pointed out that writ petitions have been filed by individual candidates highlighting the mal-practices in the appointment and the present writ petition which is filed as public interest litigation, the entire process has been questioned. Therefore, in the present writ petition, namely, WPA(P) 203 of 2022 the Court will have to consider the larger question as to whether the appointment made to the post of Primary Assistant Teacher in primary schools on the basis of Teachers' Eligibility Test (TET) 2014 was proper. So far as the selection of 269 candidates is concerned, a direction was issued to the Central Bureau of Investigation to examine the matter and as against the said order an appeal was preferred to the Hon'ble Supreme Court and the decision in the case of *Dr. Manik Bhattacharya vs. Ramesh Malik & Ors. reported in (2022) SCC OnLine Supreme Court 1452* the Hon'ble Supreme Court in paragraph 12 declined to accept the plea of the appellant therein to stay that part of the order impugned before it by which continuation of investigation by the Central Bureau of Investigation had been directed. There has been a direction to the CBI to file a comprehensive report as regards the scope and nature of

the illegalities that have been found in the said recruitment process.

3. Learned counsel for the writ petitioner would contend that there are several illegalities and irregularities committed and the entire selection of more than 42000 candidates is required to be reviewed. There have been orders passed by the learned Single Bench and there is also a decision of the Hon'ble Division Bench of this Court in which the rights of the selected candidates has been directed not to be interfered with. Since by efflux of time, there has been a change in the factual position as well, we direct the learned advocate for the petitioner in WPA(P) 203 of 2022 to prepare a brief synopsis giving all the relevant dates and events and compilation containing all the orders relatable to the said recruitment process.

4. Learned senior counsel appearing for the West Bengal Board of Primary Education submits that the investigation by the CBI is not only restricted to 269 candidates but it covers the entire selection process conducted during the year 2016.

5. Learned Deputy Solicitor General appearing for the CBI is directed to verify and submit a report before this Court as to the scope of the investigation ordered to be done by them and the progress of such investigation.

6. Insofar as WPA(P) 547 of 2022 it is submitted by the petitioner appearing in person that prayer (b) of the said writ petition for a direction to award six marks to all TET appearing candidates in TET 2014 have been granted

pursuant to an order passed by the Division Bench. Therefore, prayer (b) of the said writ petition stands satisfied. The other prayers sought for in the said writ petition will be considered along with WPA(P) 203 of 2022 on the next date of hearing.

7. None appears for the petitioner in WPA(P) 461 of 2022 today. The learned advocate appearing for the respondent Board submitted that the petitioner, being a candidate in the said selection process, is not entitled to maintain a public interest litigation since the petitioner had not been appearing even on the earlier occasion as recorded by the Division Bench on 14th February, 2023. Hence, WPA (P) 461 of 2022 stands **dismissed for non-prosecution**.

8. List WPA(P) 203 of 2022 and WPA(P) 547 of 2022 on 15th May, 2023 for further consideration.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)