

26.09.2023
Item No.33+ML 323
RP/AN
Ct. No.1

WPA(P) 492 of 2023

**Mir Selim & Ors.
Vs.
The State of West Bengal & Ors.
With
WPA(P) 196 of 2021
Mir Selim & Ors.
The State of West Bengal & Ors.**

Mr. S.P. Lahiri
Md. Habibur Rahaman
Ms. T. Majumder
... for Petitioners

Mr. Somnath Ganguly, AGP
Mr. Balarko Sen
... for State

Md. Salahuddin
Md. Rajiuddin
... for respondent nos.12,14,15 & 16

1. Since identical reliefs have been sought for in both the writ petitions, we take up both the writ petitions for analogous hearing.
2. By way of filing these two writ petitions the petitioners seek direction upon the District Magistrate, Uttar Dinajpur to enquire into the huge misappropriation of public money by the private respondents with regard to various scholarship schemes of the State Government and the Central Government for students of minority community. The petitioners have secured certain information under the Right to Information Act, 2005 and submitted a representation to the District

Magistrate, Uttar Dinajpur on 12th December, 2022. Since the said representation has not been considered the writ petitioners have filed these two writ petitions.

3. Learned Counsel appearing for the State/respondent submitted that based on an earlier complaint lodged by another person, an enquiry was conducted by the concerned police authority and a criminal case has been registered against the respondents no.12,14, 15 and 16. In the said criminal case the writ petitioners have also been made accused and charge sheet has been laid.
4. Learned counsel for the private respondents no.12, 14, 15 and 16 submitted that the first writ petitioner is also a beneficiary under the scholarship scheme and his entitlement has also to be enquired into.
5. Since there appears to be a large-scale fraud being committed with regard to disbursal of the scholarship amount, the District Magistrate, Uttar Dinajpur is directed to conduct a comprehensive enquiry by forming a team of competent officers of his office along with police officers. Registration of the criminal case against various accused including some of the private respondents will not resolve the issue since if a person, who has

received the scholarship money is not entitled to receive the scholarship money in terms of the scheme, the same has to be recovered from the said recipient along with interest. Therefore, the District Magistrate, Uttar Dinajpur shall conduct a comprehensive enquiry in order to bring to book all illegal beneficiaries and also to ensure that the money which has been paid to those illegal beneficiaries are recovered from them together with interest.

6. With the above observations and directions, both the writ petitions are disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)