

19.02.2024
tkm/ct 28
sl no.45

C.R.M. (DB) 350 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tamluk PS case no. 1294 of 2023 dated 4.12.2023 under sections 406/409/120B IPC

And

In Re : Asok Kumar Hatua @Ashok Kumar Hatua petitioner

Mr. Sekhar Basu, Sr. Adv.
Mr. Jakir Hossain

..... for the petitioner

Mr. Debasish Roy, Id PP
Mr. R D Nandy
Mr. Antarikhya Basu

..... for the State

1. Petitioner is the Headmaster of Khamarchak High School. He contends a post of Assistant Teacher in Computer Application had been sanctioned by the appropriate authority and one Suvendu Hatua was appointed to the said post of Assistant Teacher in Computer Application at Khamarchak High School. The said candidate had rendered voluntary service at the school since 2014 and was recommended for appointment to the said post in 2017. He was unaware that the appointment was illegal. Hence, he prays for bail.

2. Learned Public Prosecutor contends pursuant to an order passed by a learned Single Judge in WPA 24451 of 2022 (*Soma Roy Vs. State*), investigation is being conducted by a Special Investigation Team (SIT). Taking note of illegal appointment of one Jasmin Khatun to the post of assistant teacher in Sanskrit in a school at Bankura, the learned Judge had directed investigation into similar types of cases including that of Suvendu Hatua.

Investigation reveals petitioner had conspired with the said Suvendu Hatua, District Inspector of Schools and others to illegally appoint Hatua to a public post.

3. We have considered the materials on record. Profile of the case discloses widespread illegal appointments to posts of assistant teachers at various schools. Matter came to light during the hearing of WPA 24451 of 2022 (*Soma Roy Vs. State*) and the learned single judge directed constitution of a Special Investigation Team to look into cases of illegal appointments in various schools including that of Suvendu Hatua. During investigation it appeared a conspiracy had been hatched between the petitioner and others to appoint Suvendu Hatua on the strength of forged and fabricated documents to a public post without due process of law. Investigation is still in progress.

4. In view of the prima facie involvement of the petitioner to facilitate illegal appointment of Suvendu Hatua to a public post, we are of the opinion this is not a fit case to grant bail to the petitioner.

5. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)