

07.02.2025.
56.
Ct.No.28
as
(Rejected)

**C.R.M. (DB) 1684 of 2024
(Assigned)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura P.S. Case No.428 of 2023 dated 02.12.2023 under Sections 406/409/417/420/120B of the Indian Penal Code.

In the matter of : ***Shri Ashok Kumar Saha.***
... Petitioner.

Mr. Rajat Sinha Roy,
Mr. Surajit Basu.
...for the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick.
...for the State.

1. Petitioner is the former Secretary of West Bengal Central School Service Commission. He contends he was neither the recommending nor the appointing authority of one Jesmine Khatun who had been appointed as an assistant teacher in Sanskrit in a Government aided school. He has been shown arrested in the case on 18th January, 2024 and is in custody since then. Investigation of the case is complete. No sanction has been granted and further detention would not serve any worthwhile purpose. He is ready and willing to cooperate with the trial proceeding. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the prayer for bail. He contends petitioner is one of the conspirators in the conspiracy hatched to illegally appoint one Jesmine Khatun,

undeserving candidate, as an assistant teacher in a Government aided school. The said candidate is the wife of the then Chairman of West Bengal Regional School Service Commission, Northern and Western Region. He is also implicated in a similar case investigated by CBI with regard to illegal appointment of a number of undeserving candidates as assistant teachers and staffs in various schools in the State of West Bengal.

3. We have considered the materials on record. Petitioner was the former Secretary of West Bengal Central School Service Commission. One Jesmine Khatun, wife of the Chairman of West Bengal Regional School Service Commission, Northern and Western Region was illegally appointed as an assistant teacher in Sanskrit for Class IX/X in Bhatra SDV High School on 14.11.2019. It may be relevant to note the said candidate had not qualified in the 12th Regional Level Selection Test, 2011 and had not been empanelled in the list of successful candidates. Notwithstanding such fact, her candidature was recommended from the office of the Chairman, West Bengal Central School Service Commission, Kolkata and the appointment letter was issued by the then President, West Bengal Board of Secondary Education. When the aforesaid issue was raised by the then District Inspector of School Education, Bankura, the then Deputy Director of School Education referred to the memo issued by the petitioner wherein the petitioner claimed that Jesmine Khatun was an

empanelled candidate and was entitled to appointment notwithstanding expiry of the 12th RLST list. Petitioner's recommendation was patently wrong and shows his dishonest intent to support the illegal appointment of Jesmine Khatun, an unsuccessful candidate to the post of assistant teacher in the said school.

4. It is also apposite to note Jesmine Khatun was appointed as a teacher of Sanskrit for Classes IX and X although no such sanctioned post existed in the school. Petitioner has strenuously argued investigation is complete and there is no possibility of trial commencing in the near future since sanction for trial has not been granted.

5. We are unimpressed by such submission for the following reasons;

Firstly, petitioner is a part of the deep rooted conspiracy in illegally appointing teachers and staff in various schools in the State of West Bengal;

Secondly, the present case is an off-shoot of the species of cases illegal appointments at the behest of the petitioner and his co-conspirators which is the subject matter of another criminal case investigated by CBI.

Thirdly, the conspiracy runs deep and extend even to the highest echelons of the administration.

Fourthly, influence of the petitioner and co-accused is so paramount that the sanctioning authority

notwithstanding inordinate delay has not taken a decision in the matter.

6. In this backdrop, it is left to one's imagination what would be the fate of the present case in the event petitioner is released on bail. Hence, we are not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)