

IN THE HIGH COURT AT CALCUTTA

Special Jurisdiction
(Appellate Side)

CPAN 1163 OF 2025

IN

W.P.A. 517 OF 2025

With

CAN 1 OF 2025

SOVA RANI MONDAL

VS.

**DR. RAMANUJ GANGULY, THE PRESIDENT, WEST
BENGAL BOARD OF SECONDARY EDUCATION &
ANOTHER**

Mr. Sudipta Dasgupta, Adv.

Mr. Arindam Shit, Adv.

...for the Applicant/Petitioner

Ms. Koyeli Bhattacharyya, Adv.

Mr. Bibek Dutta, Adv

...for the Alleged Contemnors/
Applicants (In CAN 1 of 2025)

Mr. Kanak Kiran Bandhopadhayay, Adv.

...for the W.B.C.S.S.C.

IN RE: CPAN 1163 OF 2025 & CAN 1 OF 2025

1. Application being CAN 1 of 2025 and contempt application being CPAN 1163 of 2025 are heard together in presence of the learned advocates representing the parties.
2. Affidavit-of-service filed in connection with CAN 1 of 2025 on behalf of the applicants is taken on record.
3. In the contempt application applicant prays for implementation of the order dated 22nd January, 2025 passed by this Court on the connected writ petition being WPA 517 of 2025 thereby prayer was made for issuance of appointment letter by the

concerned authority of the West Bengal Board of Secondary Education (for short, '*Board*').

4. In the application being CAN 1 of 2025 in connection with WPA 517 of 2025 which is taken out by the Board, prayer is made for recalling and/or modification of the order dated 22nd January, 2025 on certain grounds delineated in the said application.
5. At the time of hearing both contempt application and application for modification this Court finds it necessary to consider the grounds taken by the Board in the modification application wherein prayer is made for recalling and/or modification of the order dated 22nd January, 2025 passed in the writ petition being WPA 517 of 2025.
6. Chairman, West Bengal Regional School Service Commission, Southern Region issued a recommendation memo dated 22nd March, 2024 in favour of the writ petitioner/applicant for appointment of the petitioner as an Assistant Teacher in Children's Welfare Association High School for Girls (H.S.), Kolkata. As appointment letter was not issued, petitioner filed the writ petition being WPA 517 of 2025 seeking direction upon the concerned respondent authorities for issuance of

appointment letter. Writ petition being WPA 517 of 2025 was disposed of *vide* order dated 22nd January, 2025 directing the Secretary of Board to issue appointment letter in favour of the petitioner in consideration of recommendation memo dated 22nd March, 2024 issued by the Chairman, West Bengal Regional School Service Commission, Southern Region.

7. Board before issuance of appointment letter in terms of the order dated 22nd January, 2025 took steps for police verification of the petitioner/applicant by seeking report from the concerned police authority and fitness certificate from the concerned medical authority. For obtaining police verification report petitioner was required to fill up a prescribed *pro-forma* and it was stated by the petitioner in the said prescribed *pro-forma* that she was neither convicted by any Court of any offence nor was charge-sheeted by police in connection with any criminal proceedings.
8. Based on statements made by the petitioner/applicant on the prescribed *pro-forma*, Board obtained report from the concerned police authority wherefrom it was found that petitioner was implicated in a criminal case being Dholahat P.S.

Case No.533 of 2022 dated 25th November, 2022 under Sections 341/325/354/379/506/34 of Indian Penal Code. It was also indicated by the police authority that charge-sheet was submitted against petitioner/applicant *vide* Charge-sheet no.538 of 2022 dated 29th December, 2022 under Sections 341/323/354/506/34 of Indian Penal Code. These particulars are found from the communications made by the Special Superintendent of Police (O), Intelligence Branch, West Bengal dated 3rd December, 2024 and Superintendent of Police, DIB, Sundarban Police District dated 25th September, 2024.

9. Therefore, it appears that petitioner/applicant was implicated in a criminal case which was started on 25th November, 2022 and in connection therewith petitioner was charge-sheeted on 29th December, 2022 *vide* Charge-sheet no.538 of 2022 and writ petition being WPA 517 of 2025 was filed on 7th January, 2025.
10. In the writ petition petitioner/applicant did not disclose pendency of the aforesaid criminal proceedings and the fact that petitioner was charge-sheeted *vide* Charge-sheet No.538 of 2022 dated 29th December, 2022. While submitting the prescribed

pro-forma before the concerned authority of the Board which was signed by the petitioner on 13th May, 2024, petitioner did not disclose that she was charge-sheeted in connection with a criminal case.

11. Chronological facts as narrated hereinabove clearly indicate that petitioner/applicant suppressed material facts while obtaining order from this Court on 22nd January, 2025 by which writ petition being WPA 517 of 2025 was disposed of. Conduct of the petitioner is deprecated and in gross abuse of due process of law order was obtained on 22nd January, 2025 from this Court.
12. Hence, application being CAN 1 of 2025 is allowed and the order passed by this Court on the writ petition being WPA 517 of 2025 dated 22nd January, 2025 stands recalled. Consequently, writ petition being WPA 517 of 2025 stands dismissed.
13. As a result whereof contempt application being CPAN 1163 of 2025 also stands dismissed.
14. However, there shall be no order as to costs.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)