

ITEM NO.12+13+26+28+30

COURT NO.1

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.9586/2024

**(Arising out of impugned final judgment and order dated 22-04-2024
in WPA No.30649/2016 passed by the High Court at Calcutta)**

THE STATE OF WEST BENGAL

Petitioner(s)

VERSUS

BAISHAKHI BHATTACHARYYA (CHATTERJEE) & ORS.

Respondent(s)

**(With IA No.99896/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No.109747/2024 - INTERVENTION/IMPLEADMENT and IA No.
109527/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES)**

WITH SLP(C) No. 11752/2024 (XVI)

**(With IA No.109633/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)**

S.L.P.(C) No.10552/2024 (XVI)

**(With IA No.127618/2024 - CONDONATION OF DELAY IN FILING THE SPARE
COPIES, IA No.109048/2024 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT and IA No.109636/2024 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

S.L.P.(C) No.11880/2024 (XVI)

**(With IA No.108190/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)**

S.L.P.(C) No.11746/2024 (XVI)

**(With IA No.108852/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)**

S.L.P.(C) No.10599/2024 (XVI)

**(With IA No.109557/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.114254/2024 - INTERVENTION/IMPLEADMENT)**

S.L.P.(C) No.10545/2024 (XVI)

**(With IA No.108984/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.113015/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)**

S.L.P.(C) No.11857/2024 (XVI)

(With IA No.108025/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.11756/2024 (XVI)

(With IA No. 110226/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) Nos.10603-10607/2024 (XVI)

(With IA No.109774/2024 - ADDITION / DELETION / MODIFICATION PARTIES, IA No.127622/2024 - CONDONATION OF DELAY IN FILING THE SPARE COPIES and IA No.109739/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.11765/2024 (XVI)

(With IA No.110121/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.11759/2024 (XVI)

(With IA No.109389/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.11761/2024 (XVI)

(With IA No.109148/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.10485/2024 (XVI)

(With IA No.108492/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.11769/2024 (XVI)

(With IA No.146503/2024 - APPLICATION FOR PERMISSION, IA No.128205/2024 - CONDONATION OF DELAY IN FILING THE SPARE COPIES, IA No.110059/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.110060/2024 - EXEMPTION FROM FILING O.T., IA No.146966/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 110065/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

S.L.P.(C) Nos.10669-10670/2024 (XVI)

(With IA No.110413/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.110411/2024 - EXEMPTION FROM FILING O.T., IA No. 110416/2024 - PERMISSION TO FILE SYNOPSIS AND LIST OF DATES)

S.L.P.(C) No.12148/2024 (XVI)

(With IA No.111644/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.129044/2024 - INTERVENTION/IMPLEADMENT)

S.L.P.(C) No.12144/2024 (XVI)

(With IA No.111557/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.129389/2024 - INTERVENTION/IMPLEADMENT)

S.L.P.(C) No.12134/2024 (XVI)

(With IA No.112067/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT)

S.L.P.(C) No.11878/2024 (XVI)

(With IA No.109303/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.9614/2024 (XVI)

(With IA No.100244/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.109776/2024 - INTERVENTION/IMPLEADMENT, IA No.104659/2024 - INTERVENTION/IMPLEADMENT, IA No.109551/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.102519/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

S.L.P.(C) No.10617/2024 (XVI)

(With IA No.110036/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.130324/2024 - INTERVENTION/IMPLEADMENT and IA No.130425/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

S.L.P.(C) No.11867/2024 (XVI)

(With IA No.111707/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.11883/2024 (XVI)

(With IA No.102194/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.9637/2024 (XVI)

(With IA No.100744/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.105823/2024 - INTERVENTION/IMPLEADMENT, IA No.104698/2024 - INTERVENTION/IMPLEADMENT, IA No.102398/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.100751/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

S.L.P.(C) No.12766/2024 (XVI)

(With IA No.128390/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.11721/2024 (XVI)

(With IA No.119687/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.15233/2024 (XVI)

(With IA No.112811/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.112810/2024 - PERMISSION TO FILE SLP)

S.L.P.(C) No.15232/2024 (XVI)

(With IA No.125406/2024 - ADDITION / DELETION / MODIFICATION PARTIES, IA No.115015/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.138377/2024 - INTERVENTION/IMPLEADMENT and IA No.115014/2024 - PERMISSION TO FILE SLP)

S.L.P.(C) No.13358/2024 (XVI)

(With IA No.135376/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.141266/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

S.L.P.(C) No.15234/2024 (XVI)

(With IA No.127309/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.141286/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.127308/2024 - PERMISSION TO FILE SLP)

S.L.P.(C) No.15231/2024 (XVI)

(With IA No.133548/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.133547/2024 - PERMISSION TO FILE SLP)

S.L.P.(C) Nos.13337-13339/2024 (XVI)

(With IA No.134923/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No.19665/2024

S.L.P.(C) No.13989/2024 (XVI)

(With IA No.140717/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No.28378/2024

(With IA No.140938/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.140937/2024 - PERMISSION TO FILE SLP)

Diary No.28104/2024

(With IA No.141675/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.141673/2024 - PERMISSION TO FILE SLP)

Diary No.28462/2024

(With IA No. 139126/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.139127/2024 - PERMISSION TO FILE SLP)

S.L.P.(C) Nos.11846-11848/2024 (XVI)

(With IA No.121333/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.121334/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Diary No.28461/2024 (XVI)

(With IA No.140124/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.140125/2024 - PERMISSION TO FILE SLP)

Diary No.21469/2024 (XVI)

(With IA No.131660/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.131659/2024-PERMISSION TO FILE SLP)

Diary No.21472/2024 (XVI)

(With IA No.132195/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.132196/2024-PERMISSION TO FILE SLP)

Diary No.23321/2024 (XVI)

(With IA No.131222/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.131221/2024-PERMISSION TO FILE SLP)

Diary No.23605/2024 (XVI)

(With I.R. and IA No.140309/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.140310/2024-EXEMPTION FROM FILING O.T. and IA No.140308/2024-PERMISSION TO FILE SLP) and IA No.140311/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No.26439/2024 (XVI)

(With I.R. and IA No.140165/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.140166/2024-PERMISSION TO FILE SLP)

Diary No.27668/2024 (XVI)

(With IA No.139796/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.139795/2024-PERMISSION TO FILE SLP)

S.L.P.(C) No.15077/2024

(With IA No.148852/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.148856/2024-PERMISSION TO FILE LENGTHY LIST OF DATES)

Diary No.20714/2024 (XVI)

(With IA No.145498/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.145496/2024-PERMISSION TO FILE SLP)

Diary No.28836/2024 (XVI)

(With IA No.147277/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.147278/2024-PERMISSION TO FILE SLP)

S.L.P.(C) No.15298/2024 (XVI)

(With I.R. and IA No.150456/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.150464/2024-PERMISSION TO FILE LENGTHY LIST OF DATES)

Diary No.29396/2024 (XVI)

(With IA No.147426/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.147428/2024-PERMISSION TO FILE SLP)

Diary No.29563/2024 (XVI)

(With IA No.147436/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.147434/2024-PERMISSION TO FILE SLP and IA No.147437/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No.29566/2024 (XVI)

(With I.R. and IA No.146605/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.146604/2024-PERMISSION TO FILE SLP and IA No.146607/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No.20927/2024 (XVI)

(With IA No.145613/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.145612/2024-PERMISSION TO FILE SLP)

Diary No.29567/2024 (XVI)

(With IA No.150005/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.150004/2024-PERMISSION TO FILE SLP) and IA No.150006/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No.30232/2024 (XVI)

(With IA No.150639/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.150638/2024-PERMISSION TO FILE SLP)

S.L.P.(C) Nos.15391-15392/2024 (XVI)

(With I.R. and IA No.150768/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.15101/2024 (XVI)

(With IA No.149094/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No.29561/2024 (XVI)

(With IA No.147295/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.147294/2024-PERMISSION TO FILE SLP and IA No.147296/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No.30291/2024 (XVI)

(With IA No.150784/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.150783/2024-PERMISSION TO FILE SLP)

S.L.P.(C) No.14331/2024 (XVI)

(With I.R. and IA No.144817/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 16-07-2024 These matters were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE MANOJ MISRA

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Mr. Saikat Sutradhar, Adv.
Mr. Sondwip Sutradhar, Adv.
Mr. Suthirtha Nayek, Adv.
Ms. Shalini Ghosh, Adv.
Mr. Sagar Dey, Adv.
Ms. Sagarika Goswami, Adv.
Ms. Saptaparni Raha, Adv.
Ms. Sinjini Chakrabarti, Adv.
Mr. Baibhav Roy, Adv.
Mr. Suryatapa Das, Adv.
Ms. Saptarani Raha, Adv.
Ms. Suryatapa Das, Adv.
Mr. C. Aravind, Adv.
Mr. Avinash Shukla, Adv.
Mr. Subhro Prokas Mukherjee, AOR

Ms. Meenakshi Arora, Sr. Adv.

Mr. Adeel Ahmed, AOR
Mr. Arindom Mitra, Adv.
Ms. Sana Parveen, Adv.
Ms. Ayushi Arora, Adv.
Mr. Chandratanay Chaube, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.

Ms. Shalini Kaul, AOR
Mr. Joydeep Mazumdar, Adv.
Mr. Partha Sil, Adv.
Mr. Mangaljit Mukherjee, Adv.

Mr. Anjan Dutta, Adv.
Ms. Debolina Sarkar, Adv.
Mr. Rajnil Mukherjee, Adv.
Mr. Vishal Arun Mishra, AOR
Mr. Masta Fizur Rahaman, Adv.
Ms. Ishita Srivastava, Adv.
Mr. V J Puspakumar, Adv.
Mr. Ibrahim Ahmed J, Adv.
Mr. Rahul Sharma, Adv.
Mr. Vaibhav Singh, Adv.
Mr. Adarsh Kumar, Adv.

Mr. Yuvraj Pravakar, Adv.
Mr. Tavish B. Prasad, Adv.
Mr. Goutam Dey, Adv.
Arkadipta Sengupta, Adv.
Ms. Aayushi Mukherjee, Adv.

Mr. S.B. Upadhyay, Sr. Adv.
Mr. Ashis Kumar Chowdhury, Adv.
Mr. Rajib Ghosh, Adv.
Mr. Babhru Bahan Bera, Adv.
Mr. Sukesh Ghosh, Adv.
Mr. R.C. Kaushik, Adv.

Ms. Rachna Srivastava, Sr. Adv.

Mr. Ashis Kumar Chowdhury, Adv.
Mr. Rajib Ghosh, Adv.
Mr. Babhru Bahan Bera, Adv.
Mr. Chand Qureshi, Adv.
Mr. Sukesh Ghosh, Adv.

Mr. Snehasish Mukherjee, Adv.
Mr. Bhaskar, Adv.
Mr. Piyush Malik, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Permission to file the Special Leave Petition is granted.
- 2 Notice shall issue in all cases where notice is not issued thus far.
- 3 No counter affidavit has been filed till date. In the event that any of the respondents seek to file their counters, they shall do so on or before 30 July 2024. If no counter is filed by then, the right to file a counter affidavit shall stand closed and the proceedings shall be conducted on the basis of the record as it stands.
- 4 Broadly speaking, it has emerged from the submissions of the counsel on both the sides that the principal submissions in relation to the present batch of cases would comprise of the following:
 - (i) The Government of West Bengal;
 - (ii) The West Bengal Central School Services Commission and West Bengal Board of Secondary Education;
 - (iii) Original petitioners before the High Court who are not selected (representing classes IX and X; XI and XII; and groups 'C' and 'D') and similarly situated persons;

- (iv) Persons whose appointments have been cancelled by the judgment of the High Court; and
 - (v) The Central Bureau of Investigation.
- 5 We have clarified during the course of the hearing to assuage the concerns of all the counsel that these are broad categories and will not exclude the possibility of any person having a distinct case presenting it before this Court.
- 6 All the counsel appearing in this batch of matters who fall into one of the above stated categories shall furnish details to Ms Astha Sharma, counsel for the State of West Bengal during the course of the day so that a consolidated master list of counsel can be prepared.
- 7 Given the large number of petitions which have been filed before this Court, it would be necessary to have a common compilation which can be relied upon by all the counsel at the time of hearing.
- 8 In order to facilitate the preparation of a common compilation, by consent, we appoint the following advocates as nodal counsel:
- (i) Ms Astha Sharma;
 - (ii) Ms Shalini Kaul;
 - (iii) Mr Shekhar Kumar;
 - (iv) Mr Kunal Chatterjee; and
 - (v) Mr Partha Sil.
- 9 The nodal counsel shall prepare a common compilation in the electronic form. The common compilation shall be circulated to all the counsel

appearing on behalf of the contesting parties in the proceedings and also be emailed to cmvc.dyc@gmail.com. This exercise shall be completed within a period of two weeks.

- 10 Counsel appearing for the above categories will be at liberty to file their submissions not exceeding five pages each. We request all counsel appearing for a given category to prepare one set of submission. However, it is clarified that one counter affidavit alone will be filed in the lead matter.
- 11 The proceedings shall be listed for final hearing on 6 August 2024.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar