

ITEM NO.41+38

COURT NO.11

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(s).16325-16326/2022

(Arising out of impugned final judgment and order dated 02-09-2022 in MAT No. 957/2022 & MAT No. 993/2022 passed by the High Court At Calcutta)

MANIK BHATTACHARYA

Petitioner(s)

VERSUS

RAMESH MALIK & ORS.

Respondent(s)

(IA No. 154275/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 136943/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 154274/2022 - INTERVENTION/IMPLEADMENT & IA No. 147885/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 17044-17045/2022 (XVI)

(IA No.143785/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 17137/2022 (XVI)

([TO BE TAKEN UP ALONG WITH SLP(C) No.16325-16326/2022].....FOR ADMISSION and I.R. and IA No.144578/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 17649-17650/2022 (XVI)

(FOR ADMISSION and I.R. and IA No.147651/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.147650/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(C) No. 17412/2022 (XVI)

(FOR ADMISSION and I.R.)

SLP(C) No. 18322-18323/2022 (XVI)

(FOR ADMISSION and I.R. and IA No.156484/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C)No(s). 17756/2022 (ITEM 38)(

IA No.149954/2022-EXEMPTION FROM FILING C/C OF THE I/JUDGMENT)

WITH

SLP(C) No. 17754-17755/2022 (XVI) (ITEM 38.1)

(IA No.149950/2022-EXEMPTION FROM FILING C/C OF THE I/JUDGMENT)

SLP(Cr1) No. 9769/2022 (II-B) (ITEM 38.2)

(IA No. 156363/2022 - EXEMPTION FROM FILING C/C OF THE I/JUDGMENT)

Date : 18-10-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE VIKRAM NATH

For the Parties

Ms Meenakshi Arora, Sr.Adv.
Mr. Amit Pawan, AOR
Mr. Joydeep Majumdar, Adv.
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Ms. Shivangi, Adv.
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Mr. Sochit Singh Rawat, Adv.
Mr. Vikas Kumar, Adv.
Mrs. Ananya Mukherjee, Adv.

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

Mr. Mukul Rohatgi, Sr.Adv.
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Ms. Diksha Rai, AOR
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Ms Jaikirti S. Jadeja, Adv./AOR
Ms. Ragini Pandey, Adv.
Mr. Kumarpal Chopra, Adv.
Mr. Thangaturai, Adv.

Mr. Bikash Ranjan Bhattacharya, Sr.Adv.
Mr. Rauf Rahim, AOR
Mr. Bikram Banerjee, Adv
Mr. Niraj Jha, Adv.
Sudipta Dasgupta, Adv.
Arkadeb Biswas, Adv.
Mr. Ali Asghar Rahim, Adv.
Arka Nandi, Adv.
Ms. Dipa Acharya, Adv.
Sutirtha Nayek, Adv.
Mr. Firdous Samim, Adv.
Gopa Biswas, Adv.

Mr. Tushar Mehta, SG
Mr. M.K.Maroria AOR
Mr. Shantnu Sharma Adv
Mr. Kanu Agarwal Adv
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Mr Mahesh Jethmalani, Sr.Adv.
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 Mr. Kabir Shankar B., Adv.
 Mr. Amit Kumar Mishra, Adv.
 Mr. Surjendu Sankar Das, AOR
 Mr. Ravi Sharma, Adv.
 Ms. Annie Mittal, Adv.
 Mr. Ajay Awasthi, Adv.
 Ms. Mugdha Pande, Adv.
 Mr. Wedo Khalo, Adv.
 Ms. Anjani Kumar Rai, Adv.
 Mr. Abhijeet, Adv.
 Mr. Simarjeet Singh Saluja, Adv.
 Ms. Pratiksha Mishra, Adv.
 Mr. Nikhil Chandra Jaiswal, Adv.
 Mr. Divik Mathur, Adv.

Mr. Vikas Singh, Sr.Adv.
 Mr. Ravinder Singh, Adv.
 Mr. Kapish Seth, Adv.
 Ms. Raveesha Gupta, Adv.
 Ms Mantika Haryani, Adv.
 Ms. Deeksha Agrawal, Adv.
 Ms. Astha Sharma, AOR

Ms. Shalini Kaul, AOR

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

SLP(C)Nos.16325-16326/2022, 17649-17650/2022, 17412/2022, 17137/2022, 17044-17045/2022 & 17208-17209/2022.

SLP(C)Nos.17208-17209/2022 is taken on board.

List these matters after four weeks in terms of the signed order.

The directions issued in these matters in paragraph 16 are as follows:-

“16. We accordingly direct:-

(a). The CBI under the SIT shall continue their investigation as directed by the Single Judge and file a comprehensive report before this Court within a period of four weeks as regards progress of the investigation.

(b) (i). The order passed directing cancellation of 269

candidates by the Single Judge on 13th June 2022 and the part of the order of the Division Bench confirming that order shall stand stayed and remain in abeyance.

(ii). Each of these 269 individuals are directed to be added as a party respondent in WPA No.7907 of 2019 and they shall be entitled to file affidavits to defend their appointment to the said posts, if so advised. The appointing authority will proceed in accordance with law and take appropriate decision after the writ court adjudicates on legality of their appointments. This direction would be subject to any order that may be passed by this Court at a subsequent stage of this proceeding.

(c) (i). The order removing Dr. Manik Bhattacharya passed by the Single Judge and confirmed by the Division Bench shall remain stayed until further order of this Court. We, however, are not directing his reinstatement for the reason already disclosed in earlier part of this order. Dr. Manik Bhattacharya shall be entitled to defend his position in the writ petition by filing affidavits in respect of allegations made against him.

(ii). We have protected Dr. Manik Bhattacharya from any coercive steps that may have been taken by the CBI in course of the investigation. There was no allegation from the CBI in course of hearing of these matters that he was not cooperating with the investigation. It was, however, mentioned before us on 12th October 2022 that he has been arrested by the Enforcement Directorate. So far as CBI is concerned, let the order protecting him from coercive steps

continue until further order.”

I.A.Nos.154274/2022 & 154275/2022 in SLP(C)Nos.16325-16326/2022

Heard learned Solicitor General and learned senior counsel for the parties.

Hearing concluded.

Order reserved.

SLP(C)NOS.17756/2022, 17754-17755/2022 & 18322-18323/2022

Issue notice.

Let counter-affidavits be filed within two weeks. Rejoinder thereto within one week thereafter. List the matters after four weeks.

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)