

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) Nos. 4078-4079/2023

(Arising out of impugned judgment and order dated 16-02-2023 in MAT No. 274/2023 and MAT No. 259/2023 passed by the High Court at Calcutta)

ACHINTA KUMAR MONDAL & ORS. ETC.

Petitioners

VERSUS

LAXMI TUNGA & ORS. ETC.

Respondents

(FOR ADMISSION and I.R. and IA No.41528/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 41528/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

ITEM NO. 54

SPECIAL LEAVE PETITION (CIVIL) Diary No. 8812/2023

(IA No. 46400/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 47288/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES

IA No. 46398/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

AND

ITEM NO. 56

Petition(s) for Special Leave to Appeal (C) No(s). 4637-4638/2023
(IA No.47274/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.47275/2023-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 03-03-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Parties

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Kapil Sibal, Sr. Adv.
Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Partha S. Deb Burman, Adv.
Mr. Raja Adhikary, Adv.
Mr. Anindo Mukherjee, Adv.

Mr. Soumya Sankar Chini, Adv.
Mr. Rajeev Kumar Gupta, Adv.
Mr. R.P. Goyal, AOR

Mr. Partha Sil, AOR
Mr. Sauvik Dere, Adv.
Mr. Tavish Bhushan Prasad, Adv.
Ms. Sayani Bhattacharya, Adv.

Mrs. Devyani Ashra, Adv.
Mr. Nizam Pasha, Adv.
Mr. Utkaraksh Kaushik, Adv.
Mr. Atul Bhojane, Adv.
Mr. Mohit Yadav, Adv.
Mr. Chand Qureshi, AOR

Mr. Rauf Rahim, AOR
Mr. Firdaus Shamim, Adv.
Mr. Ali Asghar Rahim, Adv.
Ms. Gopa Biswas, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Kshitij Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Mukul Rohatgi, learned senior counsel appearing for the petitioners in SLP (C) Nos. 4078-4079 of 2023. Also heard Mr. Kapil Sibal, learned senior counsel appearing for the petitioners in SLP (Civil) Nos. 4637-4638 of 2023. Mr. Bikashranjan Bhattacharyya, learned senior counsel appears for the respondents-original writ petitioners before the High Court.

The challenge here is to an interim order dated 16.02.2023 passed by the Division Bench of the High Court. The appeals were posted for consideration today i.e. on 03.03.2023 before the High Court but we are informed that the matters have been adjourned today by the High Court.

The order passed by the learned Single Judge on 09.02.2023 indicates that in respect of the recruitment conducted by the West Bengal School Service Commission ("Commission"), manipulation of marks were suspected and eventually, the matter was examined by the CBI and certain findings adverse to the candidates in pursuant to the said recruitment were recorded on a *prima facie* basis, by the learned Single Judge.

On the aspect of this Court entertaining a Special Leave Petition for another set of employees (teaching staff of primary schools) recruited by the Commission, Mr. Kunal Chatterji, the learned counsel appearing for the Commission, prays for time to obtain instructions.

The matter be re-listed on 20.03.2023.

In the meantime, the counselling scheduled to fill up the resultant vacancies pursuant to the removal of the present petitioners should be deferred as the authorities are proposing to fill up the 1911 posts where the petitioners and other similarly situated were working and their appointment has now come under a cloud. Mr. Kunal Chatterji would immediately communicate this to all concerned.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR