

Item No.4
30.09.2026
Court. No. 12
GB

MAT 1531 of 2024
With
CAN 1 of 2024
With
CAN 2 of 2024
With
CAN 3 of 2026

Mrinmoy Haldar & Ors.
Vs.
Santanu Sit & Ors.

*Mr. Anindya Lahiri, Sr. Adv.,
Mr. Samrat Dey Paul*
... for the Appellants.

*Mr. Dhiraj Kumar Trivedi, Ld. ASGI.,
Mr. Arijit Majumdar
Ms. Swapna Jha*
... for the CBI.

*Mr. Subir Sanyal, Sr. Adv.,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury*
... for the WBBPE.

Ms. Asha G. Gutgutia
... for the NCTE.

*Mr. Dibyendu Chatterjee,
Mr. Rahul Deb Goenka,
Ms. Satabdi Das,
Mr. Mainak Singha Barman*
... for the Respondents/Writ Petitioners.

*Mr. Pratik Dhar, Sr. Ad.,
Mr. Samir Halder,
Mr. Snehal Sinha*
... for the Added Respondent No.31 to 34.

*Mr. Ali Ahsan Alamgir,
Ms. Rabia Khatoon,
Ms. June Modak,
Mr. Debarpan Bose*
*... for the Applicant
(in CAN 2 of 2024 in MAT 1531 of 2024).*

1. The appeal arises out of an order dated July 5, 2026, passed in WPA 2005 of 2022. The appellants were added respondents. They approached the writ court for being added as necessary and proper parties to the writ proceedings.

2. According to the appellants, the interim reliefs which were being granted in the proceedings, were beyond the scope of the writ petition filed by the respondents/writ petitioners. The writ petition was filed for supply of physical copies of answer scripts in respect of the TET 2014 examination.
3. It is contended by Mr. Lahiri, learned senior advocate for the appellants that after the TET 2014, several recruitment processes had been undertaken by the West Bengal Board of Primary Education for recruitment of primary teachers in primary schools. The appellants were successful not only in the TET examination of 2014 but, they have been appointed against a recruitment process of 2016 and they have been appointed in 2017.
4. According to Mr. Lahiri, the order of the learned Single Judge was not only beyond the scope of the writ petition, but the Court had embarked upon a roving enquiry by directing the CBI to take measures as per the directions in paragraph 6 of the order impugned. No relief had been claimed against the CBI. Before the issue of maintainability of the writ petition could be decided, the learned Judge directed an investigation by the CBI on the points enumerated in the order.
5. He referred to an order of July 2, 2024, by which the learned Single Judge had held that the issue of maintainability of the writ petition would be heard first. He also referred to a decision passed in MAT 1300 of 2024 in support of his contention that, a

Division Bench had directed the learned Judge to decide the point of maintainability at the threshold.

6. On the point of maintainability of the writ petition, it is urged by Mr. Lahiri that a Division Bench and thereafter a Single Bench had clearly held that the Board was not required to preserve the answer scripts of the TET examinations of 2012 and 2014 for an unlimited period and the Board had every right to destroy the same.
7. Mr. Dhar, learned senior Advocate supported Mr. Lahiri, appears for the similarly situated primary school teachers who have been added as respondent nos.31 to 34 in this appeal. Mr. Dhar also reiterates the submissions of Mr. Lahiri and urges us to remand the matter to the writ court for a decision on the point of maintainability. According to Mr. Dhar, the issue of maintainability of the writ petition had not been decided. He submitted that, at the first instance a writ petition was filed for supplying the digitized data. Such prayer was allowed by the learned Single Judge. The digitized data was given to the appellants. Thereafter, the appellants got wise and disputed the digitized data on the ground that the marks had been tampered with. The digitized data was maintained in an editable format.
8. Mr. Sanyal, learned senior advocate for the Board submits that on the face of it the writ petition is not maintainable. The writ petitioners did not have any cause of action to file the writ petition. Their prayer

for digitized data was allowed by the Court. The Board complied with such order. They failed in the TET 2014. Such issue cannot be reopened in 2026. The writ petitioners were trying to unsettle several recruitment processes which had taken place since 2016. Not only were the writ petitioners unsuccessful in TET 2014, but they were also unsuccessful in the subsequent TET examinations. At least, they have not demonstrated in any way that they had a right to obtain higher marks than what was given to them. They approached the writ court only to frustrate the efforts of the Board and the recruitment processes which had been undertaken by the Board from 2016 onwards.

9. The contentions of Mr. Sanyal, Mr. Dhar and Mr. Lahiri are on the merits of the writ petition and its maintainability. Such issues are pending before the learned Single Judge. The issue before us is whether, in spite of a direction of the Division Bench to decide the issue of maintainability and after having fixed the maintainability issue to be decided first, further directions under paragraph 6 of the order impugned, could have been passed by His Lordship, directing investigation by CBI.

10. We are informed by Mr. Chatterjee, learned advocate for the respondents/writ petitioners that the direction was passed upon perusal of a report in the form of an affidavit, that was filed by the CBI. The CBI was a party respondent. Appreciating the grave urgency in

securing the materials, His Lordship had passed certain directions. A constitutional court perceived the necessity for preservation of the data and investigation by the CBI. The CBI was already investigating the issue with regard to TET 2014 on the basis of the orders passed in other writ petitions and the direction in the order impugned, was not unique in any way. Mr. Chatterjee relies on various documents to demonstrate the reason behind the decision of the learned Single Judge.

11. Mr. Trivedi, learned Additional Solicitor General of India submits that the investigation by the CBI was complete and charge-sheet has been filed before the jurisdictional court. The issue is now pending before the said Court. However, it is submitted that direction under paragraph 6 (a) could not be complied with as the cost was not deposited. It is also Mr. Trivedi's submission that the exercise required for compliance of 6(a) cannot be undertaken as the entire materials and articles seized by the CBI are part of the Alamat in the criminal proceeding.
12. The apprehension of the appellants, prima facie, appears to be far-fetched. The respondents/ writ petitioners have not challenged the 2016 recruitment process in the writ petition. They merely want their physical copies of answer scripts of TET 2014 examination.
13. We are of the view that, as the CBI has already completed its investigation and filed a charge-sheet,

the impugned order has been substantially complied with. Direction under paragraph 6(a) need not be complied with. The writ petition shall be heard on the point of maintainability, which has been raised by the respondents. All the respondents will be at liberty to urge the issue of maintainability. In the event, the learned Judge finds that the writ petition is maintainable and should be entertained, all parties will be allowed to raise their objections on the merits of the matter. We are not making any observation with regard to the charge-sheet filed by the CBI. The jurisdictional court will proceed in accordance with law. All issues are kept open for decision, by the learned Single Judge.

14. Accordingly, the appeal and the applications are disposed of.

15. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)