

05.02.2020
Court No.28
SL No.75
AP&PA

CRM 33 of 2020

**Mizanur Rahman alias Sk. Mizanur
Vs.
The State of West Bengal**

Mr. Saswata Gopal Mukherjee, P.P.
Ms. Sukanya Bhattacharya, Adv.
Mr. Md. Kutubuddin, Adv.

...for the State.

Pursuant to our earlier order dated 13.01.2020, Judicial Secretary was directed to submit an affidavit explaining the circumstances in which appointments have not been made to 23 posts in the cadre of District Judge (Entry Level) in WBJS Cadre till date.

Learned Public Prosecutor submits an affidavit on his behalf. We have perused the averments in the said affidavit along with its annexures. Document described as Annexure "A-1" at page 12 of the affidavit does not tally with the averments made in paragraph 2 at page 6 of the said affidavit. This unfortunate state of affairs lead us to a prima facie view that the deponent who is an experienced judicial officer holding a responsible position had affirmed the affidavit in a most casual and cavalier manner. Under such circumstances, we are constrained not to rely on the affidavit submitted before us. We direct the Judicial Secretary to appear in person and file a more detailed affidavit disclosing all relevant facts with correct annexures in relation to the matter on the next date. In the said affidavit the Secretary shall explain how he affirmed the averments in paragraph 2 and 3 as true to his knowledge inspite of incorrect averments therein.

Let this matter appear in the list under the same heading on 11th February, 2020.

Let xerox plain copy of this order duly countersigned by the Assistant Registrar (Court) be handed over to the concerned parties for due compliance upon completion of usual undertaking.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)