

26.08.2022
Crt.11
Item No.4
b.r

CPAN 43 of 2020
Tapal Bauri
-vs-
Soumitra Mohan
In
WPA 28438 of 2016

Tapas Bauri
-vs-
The State of West Bengal & Ors.

Ms. Priyanka Saha
Ms. Komal Singh
..... for the appellant.

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
.... For the contemnor.

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

Ms. Priyanka Saha, Learned Advocate, appears in support of the Contempt Application and alleges deliberate violation of the order of this Court dated 18th January, 2019 in the writ petition.

Mr. Supriyo Chattopadhyay, Learned Counsel appearing for the alleged sole Contemnor, submits that the direction on the alleged Contemnor, who is the Commissioner of School Education has been complied with. Mr. Chattopadhyay relies on a communication

dated 25th March, 2021 vide Memo No. 98/1(2)LP addressed by the Commissioner of School Education, West Bengal to the Chairman, District Primary School Council (DPSC), Purba Burdwan and the District Inspector of Schools (PE), Purba Burdwan. The communication dated 25th March, 2021 requires to be reproduced in full:-

*“In the matter of
W.P. No. 28438(W) of 2016
Tapas Bauri
-vs-
State of West Bengal & Others.*

Ref: 1. Ld. L.R’s opinion at Note Sheet Page 30 of File No. 1C/259/LP/2016 of Directorate of School Education.

2. Hon’ble Court’s order dated 18.01.2019 read with dated 18.02.2019, passed by the Hon’ble Justice Subrata Talukdar in W.P. No. 28438(W) of 2016.

In reference to the above and in terms of Ld. L.R’s opinion at NSP page 30 of File No. 1C/259/LP/2016 of Directorate of School Education, you are requested to comply with the Hon’ble Court’s order dated 18.01.2019 read with dated 18.02.2019, passed by the Hon’ble Justice Subrata Talukdar in W.P. No. 28438(W) of 2016 and submit an action taken report to this Directorate at the earliest.

Enclo: Ld. L.R’s opinion at Note Sheet Page 30.”

Therefore, Mr. Chattopadhyay submits that in the light of the Memo dated 25th March, 2021, the Chairman, DPSC, Purba Burdwan along with District Inspector of Schools (PE), Purba Burdwan are required to take appropriate steps.

This Court finds that the Chairman, DPSC, Purba Burdwan and the District Inspector of Schools (PE)

although impleaded as Party-Respondents to the writ petition are not impleaded as alleged Contemnors to this Contempt Application.

This Court, while considering the Contempt Application, is in requirement of the response to the communication dated 25th of March, 2021 of the Commissioner of School Education (*supra*), the alleged Contemnor no.1, by the DPSC, Purba Burdwan and District Inspector of Schools (PE), Purba Burdwan.

Accordingly, in the interests of effective adjudication, the petitioner is granted leave to amend the cause title.

Let the Chairman, DPSC, Purba Burdwan and the District Inspector of Schools (PE), Purba Burdwan be added as alleged Contemnors to this contempt application.

Notice of this Contempt Application in respect of the Chairman, DPSC, Purba Burdwan and the District Inspector of Schools (PE), Purba Burdwan be served on Mr. Chattopadhyay, Learned Counsel appearing with Mr. Sabyasachi Mondal, Learned Advocate..

Notice of this Contempt Application be also served on the Added Contemnors, i.e. the Chairman, DPSC, Purba Burdwan and the DI (PE), Purba Burdwan.

Let copies of this order be also served by the petitioner on the added alleged Contemnors.

Let a comprehensive effective service be filed on the next date.

Let a copy of the communication dated 25th of March, 2021 (supra) of the Commissioner of School Education be handed over in Court to Learned Advocate appearing for the petitioner.

Copy of the communication dated 25th of March, 2021 be also retained with the record.

Let the matter appear next under the same heading **“Application”** on the **23rd of September, 2022.**

Parties to act in terms of the copy of the order downloaded from the official website of this Court.

(Subrata Talukdar, J.)