

24.11.2021
S/L No.1 & 2
KS

(Via Video Conference)
C.P.A.N. 785 of 2021
In
W.P.A. No. 15767 of 2021
Rima Muskan
-Vs.-
Shri Ayan Nath

Ms. Sima Ghosh
Mr. Sanjoy Patra
.....For the Petitioner
Mr. Sandip Mondal
.....For the State
Mr. Ayan Nath
.....For the Contemnor (In Person)

In compliance of this Court's solemn order Mr. Ayan Nath, Sub Divisional Officer, Bolpur is present personally in Court with his report dated 23.11.2021.

By the order dated 29.09.2021 while deciding writ application this Court directed the S.D.O./respondent no.2 to look into the matter and to consider the prayer of the writ petitioner in the matter of issuance of EWS Certificate so as to enable the petitioner to upload the EWS Certificate by 02.10.2021, 17-00 hours on the basis of the certificate issued by the B.D.O. The report submitted by the respondent no.2 reflects that the father of the applicant/petitioner had declared on affidavit that he and his family do not belong to S.C., S.T. and

O.B.C. communities whereas his daughter has already obtained O.B.C. – A certificate.

It is submitted on behalf of the respondent no.2 that though such facts were declared on the affidavit submitted by the father of the applicant/petitioner but O.B.C. – A certificate was issued to the petitioner/applicant on the basis of enquiry. According to the report, the case of the petitioner has been looked into and considered after enquiry at the Block level and the report of the B.D.O. clearly reflects that the applicant had applied for obtaining an O.B.C. – A category certificate under caste “Sekh” vide Application ID – OBCWB08012021/1540 and in response to her application the Certificate No.WB08010BC202102810 dated 04.06.2021 was issued and was received by her mother and the matter was also referred for obtaining instruction from Joint Commissioner for Reservation and Ex facie Joint Secretary to the Government of West Bengal through POBCW, Birbhum and her case has been finally disposed of on 08.11.2021.

Thus, the case of the applicant/petitioner has been looked into by the respondent no.2/SDO, Bolpur in respect of the delay in compliance of the solemn order of this Hon’ble Court. The respondent no.2 has tendered the unconditional apology as the delay was unintentional and non-deliberate in compliance of this Court’s order.

Thus, this Court is of the view that there is no willful or deliberate disregard of this Hon'ble Court's order by the respondent no.2. However, the petitioner having obtained OBC certificate belonging to OBC category, she would be entitled reservation under that category.

Personal appearance of the respondent no.2 stands dispensed with.

Accordingly, the contempt application being, C.P.A.N. 785 of 2021 stands dismissed.

All parties shall act in terms of copy of this order downloaded from the Official Website of this Hon'ble Court.

(Shivakant Prasad, J.)