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ORDER SHEET
CC 25 OF 2019
APO 200 OF 2018
WPO 82 OF 2017
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

PINAKI RANJAN BHARATI
VERSUS
SABHYASACHI BASU ROYCHOUDHURY AND ANOTHER

BEFORE:
The Hon'ble JUSTICE HARISH TANDON
And
The Hon'ble JUSTICE SUBHASIS DASGUPTA
Date : 6th July, 2021

APPEARANCE:
Mr. Ibrahim Shaikh, Adv.
...for the Petitioner

Mr. Somnath Naskar, Adv.
Mr. Tapan Kumar Mukherjee, Adv.
...for the Respondents

The Court : While disposing of APO No. 200 of 2018 on 6th February, 2019 passed in WPO No. 989 of 2004 where an opportunity was given to the petitioner to apply for recognition and the University was directed to consider the application for recognition subject to the compliance of terms and conditions laid down in Rabindra Bharati Act, 1982 and Statute and Regulation thereunder. This Court directed the University to consider the application of the respondent No. 1 for recognition strictly in terms of the directions passed on 28th November, 2005 in WPO No. 989 of 2004 within a month from the date of the

communication of this order. A rider was also put in upon the competent authority to record proper reasons in support of the ultimate decision. The instant application for contempt has been filed alleging noncompliance of the order in true and proper spirit and suitable orders be passed under the Contempt of Courts Act.

The order dated 6th February, 2019 passed in the said writ petition was duly communicated to the Rabindra Bharati University for taking a decision on an application filed by the petitioner for recognition. It appears from the record that the University took a decision on the said application on 11th March, 2019. The petitioner seems to have been aggrieved by the decision as it adversely affected him and shelter under the Contempt of Courts Act is resorted to hold the respondents guilty of contempt of courts. There was no direction passed by us directing the university to pass an order in a particular manner. What was intended is that and a decision must be arrived on the application for recognition pending before the university to bring certainty in rights agitated therein. It is never expected that the authorities would keep the application in suspended animation and the right of the parties as claimed would remain in lurch. The authority in compliance of the direction passed by this Court has taken a decision on one way or other within the stipulated time, which without any doubt does not bring such action contemptuous so as to held the authority liable to be punished under the Contempt of Courts Act. Whether the decision is palatable or not would give rise to another cause of action, for which the appropriate proceeding is to be filed, and by no stretch of imagination, the decision on merit can be considered under the Contempt of Courts Act. We do not find that the

respondents are guilty of violating the order/direction passed by us on 6th February, 2019 willfully and/or deliberately and therefore the contempt does not lie.

The same is hereby dismissed.

However, it is open to the petitioner to challenge the decision of the University taken on 11th March, 2019 in an appropriate proceedings in accordance with law.

(HARISH TANDON, J.)

(SUBHASIS DASGUPTA, J.)

Sbghosh/sp