

Court No. 24
31.03.2022
(Item No. 342)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

CPAN 45 of 2021
in
W.P.A. 21335 of 2019
+
CAN 1 of 2022

Dr. Somnath Chattopadhyay
vs
Sri Tapan Halder & Anr.

Mr. A. K. Chattopadhyay
Mr. Debasis Sur
Mr. Mrinmoy Chatterjee
..... for the petitioner
Mr. Soumitra Bandyopadhyay
Mr. Biswabrata Basu Mallick
Mr. Raja Saha
Ms. Suchana Banerjee
... For the contemnor No. 1
Mr. Suman Basu
..... for contemnor No. 2

Leave has been sought for to implead the Members of Janasasthya Sathi Samiti in the pending contempt application.

It appears from the cause title of the writ petition that the members of Janasastha Sathi Samiti were not impleaded as parties. Accordingly they cannot be added as parties in the contempt proceeding. The prayer sought for by the petitioner to add the members stands rejected.

The Court, by an order dated 11th February, 2020, directed the Executive Officer of the Haripal Panchayet Samity to take necessary steps for consideration of the representation made by the

petitioner praying for forwarding the proposal for his engagement as a part time Homeopathic Medical Officer in the Gram Panchayet.

An affidavit of compliance has been filed by the Executive Officer, Haripal Panchayet Samity wherein an order dated 28th January, 2021 passed by the said officer has been annexed.

It appears therefrom that the Pradhan of Haripal Ashutosh Gram Panchayet sent proposal in favour of the petitioner for appointment as a part-time Homeopathic Doctor but the Janasasthya Sathi Samity, Haripal Panchayet Samity did not take any decision or any resolution in the matter. Janasasthya Sathi Samity did not return the proposal to the Gram Panchayet for rectification of any defect.

It has further been mentioned that the Executive Officer of the Panchayet Samity does not have any authority to approve the panel or to take any further decision in the matter. The proposal of the Pradhan was again sent along with all relevant papers to the Additional Executive Officer of the Hooghly Zilla Parishad for future course of action.

From the aforesaid order it appears that the Executive Officer of the Haripal Panchayet Samity has complied the direction passed by the Court. In action on the part of the Janasasthya Sathi Samity to approve or disapprove the panel is a separate and a

fresh cause of action which cannot be decided in the present contempt proceeding.

In view of the above, the contempt application along with application being CAN 1 of 2022 stand disposed of.

The petitioner will be at liberty to approach the appropriate forum for further orders, if so advised.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)