

Sl. No.342
03.11.2022

Court No.24
B.M.

In The High Court At Calcutta
Special Civil Jurisdiction
Appellate Side

C.P.A.N. 153 of 2022
in
W.P.A. 10852 of 2018

Rina Majumder
-versus
Dr. Bidisha Ghosh Dastidar

Mr. Anadi Mohan Chakraborty.
Mr. Hiranmoy Dutta

...For the Petitioner

The petitioner seeks compassionate appointment.

Due to non-consideration of the application made by the petitioner for being appointed on compassionate ground, she filed the writ petition being WPA 10852 of 2018 which was heard and disposed of by this Court on 29th September, 2021 directing the College to take steps for consideration of her application. The Court directed that if the College is of the opinion that the petitioner is entitled to be appointed on compassionate ground, then necessary consequential steps shall be taken by the College.

According to the petitioner, the order of the Court is yet to be complied with.

It appears from the documents annexed to the contempt application that a meeting of the Governing Body of the College was held on 10th December, 2021

wherein the issue of appointment of the petitioner on compassionate ground was one of the agenda.

The issue was duly discussed and by communicating letter dated 13th December, 2021 the Principal of the College informed the Director of Public Instruction that the College does not have any objection if the petitioner is appointed as permanent Group-D staff in the College. It was also informed that the College does not have any vacant non-teaching post at present. The Principal requested the Director of Public Instruction to do the needful.

From the aforesaid documents, it appears that the College has already disclosed their intention with regard to the appointment of the petitioner as permanent Group-D staff and has solicited further instruction from the Director of Public Instruction.

It does not appear that the Principal of the College acted contrary to or in violation of the order passed by this Court. Non-action on the part of the Director of Public Instruction to take steps in response to the communication made by the Principal of the College, is a fresh cause of action which cannot be decided by this Court in the contempt proceeding.

In view of the above, it will be open for the petitioner to ventilate her grievance before the appropriate forum for redressal, if so advised.

There is no requirement of proceeding with the contempt application any further. The same stands disposed of.

Affidavit of service filed in Court is taken on records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)