

18.05.2022
Ct. 5
D/L 4
ab

CPAN 301 of 2022
in
WPA 19993 of 2021

Papy Pattanayak & Ors
-Vs-
Dr. Ajoy Chakraborty & Anr.

Mr. Soumya Majumdar,
Mr. Biswaroop Bhattacharya,
Mr. Subhankar Chakraborty,
Mr. Saptarshi Bhattacharjee,
Ms. Ruchira Manna

... for the applicants/petitioners

Mr. Swapan Kumar Dutta,
Mr. Rajat Datta,

... for the alleged contemnor no. 1

Mr. Amitava Chaudhuri,
Mr. N. Roy,

... for the alleged contemnor no. 2

This matter had been adjourned on 10th May, 2022 on the submissions made on behalf of the alleged contemnors that an appeal had been preferred from the judgement and order passed by this Court on 1st March, 2022.

Learned counsel appearing for the 21 petitioners places an order of the Appeal Court dated 13th May, 2022 by which the matter was directed to go out of the list in view of the delay in filing the appeal.

Learned counsel appearing for the alleged contemnor no. 1 submits that an application for

condonation of delay has been filed yesterday, i.e. 17th May, 2022 and that the appeal will be listed when the Court recommences in June, 2022.

After considering the submissions of the learned counsel and the order passed by this Court on 10th May, 2022 in CPAN 290 of 2022, with almost identical facts, this Court is of the view that there has been clear contempt of the judgement and order dated 1st March, 2022 by the alleged contemnors. It should be noted that the stand taken by the alleged contemnors in the present matter is identical to CPAN 290 of 2022, as fairly submitted by the counsel for the alleged contemnors.

The direction in the order in contempt was on the alleged contemnors to consider the ranks/scores of the petitioners before the merit list was unilaterally cancelled by the West Bengal Joint Entrance Examinations Board on 23rd November, 2021. The position of the alleged contemnors does not explain any compliance and merely seeks to shift the blame from one to the other.

Hence as of date, there is no embargo on the Court to make a direction on the alleged contemnors for compliance of the order passed by this Court.

There shall hence be a direction on the alleged contemnors to keep 21 seats vacant in the Post Basic B. Sc (Nursing) Course in the Trainee Reserve Category for

the purpose of considering the eligibility of the petitioners for admission to the course in the Trainee Reserve Category. The alleged contemnors shall evaluate the eligibility of the petitioners in accordance with requisite standards under the relevant Rules but the consideration must be in relation to the Trainee Reserve Category seats. If the petitioners are found to be eligible on the ranks/scores obtained before they were cancelled, the petitioners shall not be denied seats in the Post Basic B. Sc. (Nursing) Course against the Trainee Reserve Category. The exercise of counselling should be completed within a period of four weeks, having considered the fact that one round of physical counselling has already been conducted on 26th March, 2022. The alleged contemnor no. 1 is directed to sort out the matter of continuing with the selection process with the Director of Health Services or any other person authorized by him in compliance with the judgment and order dated 1st March, 2022.

CPAN 301 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)