

18.05.2022
Ct. 5
D/L 5
ab

CPAN 384 of 2022
in
WPA 20516 of 2021

Sumona Mondal
-Vs-
Dr. Ajoy Chakraborty & Anr.

Mr. Kartik Kumar Roy,
Mr. Debashis Banerjee
... for the applicant/petitioner

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

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 rank/score of the petitioner 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 one seat vacant in the Post Basic B. Sc. (Nursing) Course in the Trainee Reserve Category for the purpose of considering the eligibility of the petitioner for admission to the course in the Trainee Reserve Category. The alleged contemnors shall evaluate the eligibility of the petitioner in accordance with requisite standards under the relevant Rules but the consideration must be in relation to the Trainee Reserve Category seats. If the petitioner is found to be eligible on the basis of the rank/score obtained before she was cancelled, the petitioner shall not be denied seat 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 384 of 2022 is disposed of in terms of the above.

(**Moushumi Bhattacharya, J.**)