

38 15-12-2022
AKG
Ct. 238

**CPAN 365 of 2020
in
WPA 2321 of 2019
Barnana Bhattacharjee
Vs.
Sanghamitra Ghosh & Ors.**

Mr. Subir Sanyal,
Ms. Sumita Sen

...for the Applicant

Mr. Amitava Chaudhuri,
Mr. N. Roy

...for the Contemnor Nos. 3 & 4

Mr. T. M. Siddiqui,
Mr. N. Chatterjee

...for the Contemnor Nos. 1 & 2

This contempt application has been taken out for alleged violation of an order dated June 18, 2019 passed by a Co-ordinate Bench of this Court.

The operative part of the order reads as follows:-

***“Considering the above observations,
I direct the State Authorities to take steps
for de-reserving the post no. 12 for general
category thereby reserving the post no. 14
for PH category. Thereafter approving the
petitioner’s appointment to the post of
Assistant Professor in political science in
respect of Mekhliganj Collge. Furthermore,
respondent authorities are directed to
take steps for fixing the petitioner’s pay
as per prescribed scale of pay and
thereafter release the current salary as
well as arrear salaries with effect from
16th December, 2016. Entire exercise shall
be completed within eight weeks***

***With this direction the writ petition
is disposed of.”***

It appears that an appeal was preferred against the judgment and order dated 18, 2019 but the same has not yet been disposed of. On September 20, 2021, a letter was issued by the Secretary, Women & Child Development and Social Welfare Department to the following effect.

“In compliance of the orders dated 18.06.2019 and 23.09.2019 of the Hon’ble High Court in the matter of Smt. Barnana Bhattacharjee vs. The state of West Bengal and ors (Ref. W.P. 2321 (W) of 2019) and without prejudice to the appeal bearing Mat No. 819 of 2021 preferred by this Department, which is pending before Hon’ble High Court, Calcutta, the appointment of Smt. Barnana Bhattacharjee to the post of Assistant Professor of Political Science is confirmed, subject to the outcome of the said appeal.”

Mr. Sanyal submits that the order has not yet been complied in its proper spirit. The post in question (post no. 12) has not been directed to de-reserve in terms of the order of this Court.

I am of the opinion that the order has been substantially complied with subject to the outcome of the appeal. It is apparent that the service of the petitioner has been confirmed by the State against the post no. 12 at the relevant college treating the same as a general category post.

With the aforesaid clarification, this contempt application being **CPAN 365 of 2020** is disposed of.

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

(Kausik Chanda, J.)