

D/L
Item No. 16
17.02.2022
KOLE

**CPAN 581 of 2021
in
WPA 8012 of 2020**

**Moumita Chatterjee & Ors.
-Vs.-
Kakali Roy Basu**

*Mr. D. N. Roy,
Mr. S. Ghosh,
Mr. S. Halder*

...for the petitioners.

By an order dated April 20, 2021 WPA 8012 of 2020 was disposed of. The operative portion of the said order reads as follows:-

“The Vice-Chancellor of the West Bengal University of Health Sciences, being the respondent no. 3, is directed to consider the representations made by the petitioners for lateral shifting back to their original disciplines, in accordance with law, including the notifications issued by the competent authority pertaining to medical teachers under the West Bengal Medical Education Service (page 60 and 61 of the writ petition) and take a reasoned decision in the matter within a period of six weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioners (except petitioner no. 4 who has withdrawn from the writ petition) either physically or virtually, maintaining all COVID protocols. The decision taken by the Vice-Chancellor shall be communicated to the petitioners within a fortnight from the date of the decision.

I have not gone into the merits of the petitioners’ claims. The Vice-Chancellor of the University concerned shall take an informed decision in accordance with law and the applicable rules and regulations.”

Learned Advocate for the petitioner submits that although an order has been passed by the alleged contemnor which was communicated by the Registrar of the West Bengal University of Health and Sciences under cover of a letter dated July 15, 2021, the said order is actually in gross violation of this Court's order dated April 20, 2021. Hence, this contempt application.

I am unable to entertain this contempt application. The direction on the alleged contemnor was to pass a reasoned order. An order has been passed which also contains some reasons which may be bad reasons. The merits of such order I am not inclined to consider in a contempt application. There has been compliance of this Court's direction dated April 20, 2021.

Mr. Roy, learned Advocate for the petitioner says that the applicable rules have not been followed by the alleged contemnor and that amounts to violation of this Court's order. It will be open to the petitioner to challenge the order of the alleged contemnor in an appropriate forum in accordance with law and it will also be open to the petitioner to urge all points to assail the legality or validity of the said order before such forum.

The contempt application being no. CPAN 581 of 2021 is, accordingly, disposed of.

(Arijit Banerjee, J.)