

6+8 23.11.2022
Sc Ct. no.22

CPAN 1233 OF 2022
with
WPA 23578 OF 2022

Chhaya Das

Vs.

Mr. Subrato Ghosh,
The Disciplinary Authority,
The West Bengal Board of Secondary
Education, Nivedita Bhawan, Kolkata

Mr. Subir Sanyal
Mr. Rajendra Banerjee
Mr. Sunit Roy
Ms. Swati Mondal.

....For Petitioner

Ms. Koyeli Bhattacharyya

....For Respondents/
WBBSE

This contempt application arose from the order dated November 4, 2022 passed by this Court in the main writ petition.

The charges levelled against the alleged contemnor are as follows :

- I) in terms of the direction passed by this Court, the relevant disciplinary authority had not furnished whatever documents and particular of charges had already been levelled against the petitioner, to the petitioner at least seven days prior to the date to be fixed for hearing;
- II) the prayer of the petitioner in terms of **Rule 5(7)** of the **West Bengal Board of**

Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching Staff) Rules, 2018 (for short **Rules of 2018**) had not been considered.

Today in course of hearing Ms. Koyeli Bhattacharyya, learned counsel appearing for the alleged contemnor placed a **Memo** bearing **No.DA/468/3/22** dated **November 22, 2022**, signed by the Disciplinary Authority wherefrom it appears that the petitioner has already been communicated that the prayer made on behalf of the petitioner in terms of **Rule 5(7)** of the said **Rules of 2018** had already been allowed. The learned counsel appearing for the alleged contemnor, on instruction, has also confirmed this fact to this Court.

Ms. Bhattacharyya, learned counsel appearing for the alleged contemnor has further confirmed to this Court that pursuant to the direction made by this Court on November 4, 2022, the petitioner shall be communicated with all the details and particulars of charges along with all the relevant and connected documents thereto immediately, in strictly compliance of the direction made earlier and she further has confirmed that after making these particulars available to the petitioner, there shall be a clear seven days' notice of hearing before the disciplinary authority to be issued to the petitioner.

In view of the above submissions made by Ms. Koyeli Bhattacharyya, learned counsel appearing for the alleged contemnor, there remains nothing further to take cognizance of the alleged act of contempt.

On the above terms and specific undertaking given on behalf of the alleged contemnor to that effect, this contempt application **CPAN 1233 of 2022** stands dropped.

A copy of the Memo dated November 22, 2022 handed over on behalf of the alleged contemnor as recorded above, is taken on record.

(Aniruddha Roy, J.)