

22.09.2022

Court No.32

rpan/02

WPCRC 157 of 2022

Amirul Islam

- Versus -

Soumitra Mohan & Others

in

W. P. No. 5243 (W) of 2018 [WPA 5243 of 2018]

Md. Yusuf Ali

... for the Petitioner.

Mr. Shamim ul Bari

... for the Contemnor no.7.

Mr. Supriyo Chattopadhyay,

Mr. Sajal Pandit

... for the Contemnor nos.8 & 9.

The present contempt application has been preferred alleging violation of an order dated 11th March, 2019 passed in a writ petition, being W. P. No. 5243 (W) of 2018 [WPA 5243 of 2018] by which the respondents were directed to grant compassionate appointment to the petitioner in the post of an assistant teacher in any primary school under Malda District Primary School Council.

When the matter last appeared on 2nd September, 2022, Mr. Chattopadhyay, learned advocate appeared for the contemnor no. 9 placed before this Court a memo dated 30th August, 2022 issued by the said contemnor. As the said memo was not sufficient compliance of the order of this Court, Rule was issued upon the alleged contemnor nos.7, 8 and 9. Pursuant to the said order, the contemnor no.9, namely, Shri Subhra Chakraborty, the contemnor no.7, namely, Smt. Basanti Barman and the

contemnor no.8, namely, Shri Satyajit Mondal are personally present before this Court.

Today, Mr. Chattopadhyay has placed before this Court a memo dated 19th September, 2022 issued by the said contemnor no.9 by which the earlier memo dated 10th August, 2022 had been cancelled and approval to the appointment of the petitioner had been accorded to the post of assistant primary school teacher under the District Primary School Council, Malda. Let the said memo, as produced, be kept on record.

Mr. Bari, learned advocate appearing for the contemnor no.7 submits that upon receipt of the memo dated 19th September, 2022, the contemnor no.7 by a letter dated 21st September, 2022 had requested the petitioner to remain present at her office with necessary documents within three working days. Let a copy of the said letter, as produced, be kept on record.

Mr. Chattopadhyay and Mr. Bari, learned advocates submit that the contemnors are new incumbents, who have joined their respective posts after the order was passed by this Court on 14th February, 2020. An appeal was also preferred on behalf of the State authorities against the order passed by this Court. In view thereof, it cannot be said that there had been any deliberate violation of the order on their part.

It is submitted that the appellants are not inclined to proceed with the said appeal any further and as such, in compliance of this Court's order necessary directions

have already been issued towards appointment of the petitioner to the post of assistant primary school teacher under the Malda District Primary School Council.

Both Mr. Chattopadhyay and Mr. Bari on behalf of the contemnor nos.7, 8 and 9 tender their unqualified apology for unintentional delay towards compliance of the order of this Court.

Smt. Barman, the Chairman, Malda District Primary School Council, who is personally present, assures this Court that appointment letter would be immediately issued after the petitioner appears along with all necessary documents in terms of the letter dated 21st September, 2022.

Mr. Ali submits that the petitioner shall be present in the office of the Chairman, District Primary School Council, Malda on 26th September, 2022.

In the said conspectus, this court is not inclined to proceed with the contempt application, being WPCRC 157 of 2022 any further and the same is, accordingly, disposed of.

Rule stands discharged and the personal appearance of the contemnor nos.7, 8 and 9 is dispensed with.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)