

16.06.2023
Item No.01
Court No.32
Avijit Mitra

**CPAN 96 of 2020
in
WPA 14920 of 2019**

**Manik Das
- Versus -
Joyshree Ray Choudhuri**

Mr. Mukteswar Maity,
Ms. Nupur Chaudhuri
...for the petitioner
Ms. Amrita Panja Moulick
...for the contemnor

The present contempt application has been preferred alleging violation of an order dated 3rd September, 2019 passed in a writ petition being WP No.14920 (W) of 2019.

Mr. Maity, learned advocate appearing for the petitioner submits that in spite of due communication of the order, no steps were taken by the alleged contemnor to comply with the directions contained in the same and as such the contemnor has deliberately violated the order dated 3rd September, 2019.

Such contention has, however, been disputed by Ms. Moulick, learned advocate appearing for the contemnor. She submits that after receipt of the order passed in the writ petition, the Law Officer of the department of Higher Education issued a memo dated 22nd

October, 2019 requesting the college authorities to take necessary steps at the earliest. Thereafter the Principal of the Mugberia Gangadhar Mahavidyalaya (in short, the said college) communicated all relevant records along with the resolution of the governing body *vide* memo dated 9th December, 2022. Immediately thereafter the Director of Public Instruction passed a reasoned order on 24th March, 2023 and as such there had been no deliberate violation of the order passed in the writ petition. However, on behalf of the alleged contemnor, she tenders unqualified apology for the delay which has occurred. Let the documents, as placed, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The petitioner's claim was considered by the authorities as directed by the order dated 3rd September, 2019 and a final decision has been taken. There had been no deliberate violation of the directives contained in the order dated 3rd September, 2019.

Once an order has been passed by a party to a proceeding on the basis of the direction issued by the Court there arises a fresh cause of

action to seek redressal in an appropriate forum and such action does not constitute contempt.

In view thereof, no further interference is called for in the present contempt application and the same is, accordingly, disposed of.

It is made clear that the petitioner would be at liberty to challenge the order passed by the alleged contemnor before the appropriate forum, in accordance with law.

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

(Tapabrata Chakraborty, J.)