

Court No. 22
28.7.2023
(Item No. 2)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.C.R.C. 82 of 2023
In
W.P.A. 22891 of 2022

Dr. Jayita Chakraborty
VS
Dr. Uma Bhaumik

Mr. D. N. Ray
Ms. Munmun Tewary
Mr. Rajesh Kumar Shah
Mr. Sourav Halder
..... for the petitioner
Mr. Saptangshu Basu
Mr. Sujay Bandyopadhyay
.... For the alleged contemnor

This is a contempt proceeding arose from an order dated **December 14, 2022, Annexure C-1** at **page 16** to the contempt application. Drawing attention to **Annexure P-3** at **page 27** to the contempt application Mr. D. N. Ray, learned counsel appearing for the petitioner submitted that, though it was recorded in the order that, no disciplinary proceeding was initiated against the petitioner by the relevant college authority nor the petitioner had suffered any punitive action in any manner but the college authority at the time of preparation of the financial statement in terms of the said order had placed a note that there was an unauthorized leave for **640 days** from **February 26, 2020 to November 26, 2021** as would be depicted from the resolution of the governing body of the college adopted on **December 19, 2022**. Learned counsel submitted that, this is a clear and

willful violation of the order dated **December 14, 2022** hence contempt proceeding should be drawn up against the alleged contemnor.

Mr. Saptangshu Basu, learned senior counsel appeared for the alleged contemnor. He submitted that, the decision of unauthorized leave was taken by the college authority not in violation of the said order dated **December 14, 2022** as would be evident from the plain reading of the order but strictly in accordance with the relevant rules and regulations of the **Vidyasagar University First Statute**. Hence, he submitted that, the contempt proceeding is not maintainable.

After considering the rival contentions of the parties and on perusal of the materials on record, it appeared to this Court that, the necessary payment had already been made by the relevant college authority to the petitioner following the direction of this Court dated **December 14, 2022**. The statement appearing in the order dated **December 14, 2022** that no disciplinary proceeding was initiated against the petitioner by the relevant college authority nor the petitioner had suffered any punitive action in any manner, was merely a fact as on the date of passing of the said order dated **December 14, 2022** which was recorded. The same was neither a direction nor a finding of the Court.

While sitting in a contempt jurisdiction this Court will have to act only on the basis of the purport and content of the order passed and the statement of violation alleged against the alleged contemnor and whether any such violation is there in the light of the order passed. Beyond that the Court cannot proceed in contempt jurisdiction.

Even if, it is accepted for argument sake that, the allegation of unauthorized leave as submitted by Mr. Ray, learned counsel for the petitioner are illegal and wrongful, this contempt court has no jurisdiction to adjudicate upon the same. The Court exercising jurisdiction in contempt proceeding cannot look into the correctness or veracity of any decision.

For the foregoing discussions and reasons, this Court is of the firm view that, no act of contempt has been found by this Court on the part of the alleged contemnor.

The contempt proceeding being **W.P.C.R.C. 82 of 2023** stands dropped. The application stands dismissed, without any order as to costs.

Rule issued stands discharged.

(Aniruddha Roy, J.)