

17 16.6.2023
Sc Ct. no.22

CPAN 618 OF 2023
in
WPA 4455 OF 2023
with
I.A. No. CAN 1 OF 2023

Antara Roy (Das)

Vs.

Ajay Kumar Pal,
District Inspector of School (S.E.)
Howrah & Ors.

Mr. Sanjib Das

....For the Petitioner

Mr. Sabyasachi Chatterjee

Mr. Badrul Karim

Ms. Priyanka Paul.

....For the Alleged
Contemnors

The contempt application was filed from the order dated **March 29, 2023** passed by this Court, **Annexure-P2 at page 104** of the contempt application. The necessary particular of charges for contempt are stated in paragraph 24 of the contempt application, which is quoted below :

“24. That your petitioner submits that the respondent alleged contemnors herein have willfully and deliberately violated the solemn order dated 29.03.2023 passed by His Lordship the Hon’ble Justice Aniruddha Roy as follows:

- i) by not complying with the solemn order dated 29.03.2023 passed by His Lordship The Hon’ble Justice Aniruddha Roy in W.P.A. No.4455 of 2023 (Antara Roy (Das) -Versus- The State of West Bengal & Ors.);*
- ii) by taking the law in their own hands policy decision has been taken relating to the management and affairs of Satashi High School (H.S.).”*

From perusal of the reliefs claimed therein it would appear that the same were in sync with the particulars of charges as quoted above.

From the order dated **March 29, 2023** it appeared that, there was no restraint or embargo cast upon the alleged contemnors. No direction for compliance was made. The order mentioned that, any policy decision if taken shall abide by the fate of the writ petition.

Mr. Sanjib Das, learned advocate appearing for the petitioner submitted that, despite the order passed on March 29, 2023, the managing committee of the school had removed the Teacher-in-Charge and the Secretary of the Managing Committee on the next day itself which, according to him, is the contempt committed by the alleged contemnors.

The order also showed that the ***maintainability of the writ petition was kept open.***

Considering the submissions made on behalf of the petitioner and considering the materials on record it appeared to this Court that, no case for contempt could be made under the said order dated **March 29, 2023** and the case sought to be made out in the contempt application cannot be considered to be an act of contempt in the light of the order dated **March 29, 2023**. The contempt application is totally devoid of any merit and misconceived.

In view of the above, the said contempt application being ***CPAN 618 of 2023 stands dismissed and dropped at the threshold.***

(Aniruddha Roy, J.)