

21.04.2023
Item No.06
Court No.32
Avijit Mitra

**CPAN 613 of 2021
in
WPA 3401 of 2020**

**Sk. Nurul Islam
- Versus -
Sukhdeb Hansda & ors.**

Mr. Abhishek Roy,
Mr. Debasish Das
...for the Petitioner
Mr. Nilotpall Chatterjee,
Ms. Amrita Panja Moulick
...for the contemnor no.2

The present contempt application has been preferred alleging violation of an order dated 4th March, 2020 passed in WP No.3401 (W) of 2020.

By the said order it was *inter alia* directed that ‘upon receipt of the said documents, the respondent no.6 shall consider the petitioner’s claim and take a decision, in accordance with law, to forward the petitioner’s name to the concerned Regional School Service Commission upon inclusion of his name in the roster of the candidates seeking compassionate appointment and to communicate the said decision to the petitioner within a period of four weeks thereafter.

Needless to observe, in the event the petitioner's claim deserves acceptance necessary follow up steps shall be taken by all the respondents forthwith'.

In the contempt application, the alleged contemnors are the District Inspector of Schools, Birbhum and the Chairperson, West Bengal Regional School Service Commission (Eastern Region) (hereinafter referred to as the said Commission).

Heard Mr. Das, learned advocate appearing for the petitioner.

Ms. Panja Moulick, learned advocate appearing for the alleged contemnor no.2 submits that the order of this Court has already been complied with. The name of the petitioner was included in the roster of the candidates seeking appointment on compassionate ground and his name was also forwarded to the said Commission. In support of such contention she has placed before this Court two memoranda dated 9th June, 2020 and 29th November, 2022. Let the same be kept on record.

Answering my query, Mr. Das, learned advocate appearing for the petitioner submits that during pendency of the present contempt application, the petitioner's name had already

been recommended by the said Commission for appointment to Kirnagar Tarapada Memorial Girls' High School (hereinafter referred to as the said School) by the said Commission *vide* memo dated 18th November, 2022. Let a copy of the said memo as issued to the President, West Bengal Board of Secondary Education (hereinafter referred to as the said Board), be kept on record.

Mr. Das further submits that the Headmistress of the said School had also certified that a Group C post in the said school is lying vacant. Let the said certificate, as produced, be kept on record.

He further submits that the petitioner has also submitted a representation dated 19th April, 2023, along with all relevant records, to the President of the West Bengal Board of Secondary Education with a prayer for grant of appointment to the post in which the petitioner had been recommended. In spite of such communication, no steps have yet been taken by the said Board. Let the representation, as produced, be kept on record.

The order dated 4th May, 2020 contains directions upon the District Inspector of Schools being the respondent no.6 and also upon the

other respondents. The District Inspector of Schools has complied with the direction passed by this Court. The Commission also in compliance of the order dated 4th May, 2020 has taken follow up steps by issuing the recommendation letter.

Records reveal that the West Bengal Board of Secondary Education was neither a party to the writ petition nor in the present contempt application. The order dated 4th May, 2020 does not contain any direction upon the said Board.

As the order dated 4th May, 2020 has been complied with by the contemnors and as the delay towards such compliance is not intentional, this Court is not inclined to proceed with the contempt application any further.

Accordingly, the contempt application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Tapabrata Chakraborty, J.)