

01 10.4.2023

Ct-08

ar

CPAN 858 of 2021
in
WPCT 10 of 2020

Tapas Roy
Vs.
Sri M. Mariappan, Deputy
Commissioner,
Navodaya Vidyalaya Samiti

Mr. Bharat Bhusan
... For the Petitioner

Mr. Pulakesh Bajpayee
... For the alleged contemnor

An affidavit of compliance filed by the Deputy Commissioner, Navodaya Vidyalaya Samiti, Patna along with the order dated 21st March, 2023 are taken on record.

It appears that in pursuance of our order dated 24th February, 2023, four documents are taken into consideration, as reflected from the reasoned order dated 21st March, 2023 passed by the authority.

In view of our earlier order Mr. M. Mariappan, Deputy Commissioner, Navodaya Vidyalaya Samiti, is personally present in court. The personal appearance of Mr. Mariappan is dispensed with.

The contemnor has offered some explanations for not finding the petitioner as eligible even awarding due weightage to the certificates produced.

Mr. Bharat Bhusan, learned counsel appearing for the petitioner, submits that the petitioner was entitled to a better weightage for the experience acquired over a period of time, as reflected from the said certificates.

According to him, such certificates have not

been properly considered by the authority and also that due weightage of such certificates have not been given while taking a decision.

However, we are of the view that we cannot delve into such aspect more than what we have done already in the instant case. We are not exercising the power of judicial review. Although there is a delayed compliance of our order and now the authority concerned has passed the order on consideration of all the documents and certificates, we dispose of the contempt application with the observation that the petitioner, if advised, may challenge the final order dated 21st March 2023 in accordance with law.

We are of the view that there has been no deliberate, willful and contumacious act on the part of the alleged contemnor. We accept the apology tendered for delayed compliance of our order and we are not going into the merit of the order dated 21st March, 2023 passed by the authority.

(Hiranmay Bhattacharyya,J.)

(Soumen Sen, J.)

