

Item-39. 10-10-2023

MAT 1557 of 2023
CAN 1 of 2023

sg Ct. 8

Sk. Hasan Imam
Versus
The State of West Bengal & Ors.

Mr. Kazi Sajjad Alam, Adv.
...for the appellant
Mr. Tapas Chatterjee, Adv.
...for the School Authority

1. The petitioner filed the contempt application by suppressing the material facts. The contempt petition was filed in the year 2023 without divulging the two orders i.e. order dated 20th December, 2022 and order dated 10th January, 2023.
2. The learned Counsel for the writ petitioner submits that the said two orders ought to have disclosed in the contempt petition as the petitioner was aware of the aforesaid orders at the time when the contempt petition was filed.
3. The learned Single Judge, having regard to the conduct of the petitioner dismissed the contempt petition with costs assessed at Rs.50,000/-.
4. It is submitted on behalf of the appellant that he has not been allowed to joint notwithstanding the order. However, he has not filed the contempt petition for violation of any order by which he was directed to joint his service.
5. It appears from the order dated 20th December, 2022, the appellant was not represented in spite of notice. However, on 10th January, 2023 when the interim order was extended, the appellant was represented.
6. We do not find any reason to interfere with the order passed by the learned Single Judge. However, the cost is reduced to

Rs.10,000/- to be paid by the appellant in equal proportion to the State Legal Services Authority and Calcutta High Court Legal Services Committee within a period of two weeks from date.

7. The appeal is allowed partly. The cost imposed by the learned Single Judge is modified to the aforesaid extent. The application is also accordingly, disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)