

Court No. 2
17.5.2024
(Item No. 6)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

C.P.A.N. 67 of 2024
in
W.P.A. 2714 of 2009

Joydeb Ghosh
VS
Sajjad Siddiqui, The Secretary West Bengal
Madrasah Service Commission.

Mr. Gouranga Kumar Das
Ms. Poulami Dutta
..... for the petitioner
Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
.... For alleged contemnor

This is a hearing of contempt petition upon affidavits.

This is a contempt proceeding arising from an order dated **June 5, 2023** passed by this Court, **annexure P-1** at **page 18** to the contempt application.

On the prayer of Mr. Prosenjit Mukherjee, learned counsel appearing for the alleged contemnor, time to file affidavit-in-opposition stands extended till today. The affidavit-in-opposition affirmed on April 16, 2024 filed in Court today is taken on record.

Identically by extending the time, affidavit-in-reply on behalf of the petitioner affirmed on May 13, 2024 is also taken on record.

The alleged contemnor through its affidavit-in-opposition has disclosed the reasoned order dated **February 27, 2024**.

Mr. Gouranga Kumar Das, learned advocate appearing for the petitioner referring to the said reasoned order submits that, while passing the same the alleged contemnor had not taken into consideration the document dated **June 10, 2009** as

mentioned in the said order dated **June 5, 2023**. He has also pleaded the case in his affidavit-in-reply.

On perusal of the said reasoned order it appears to this Court that, while considering the case of the petitioner the alleged contemnor has passed the reasoned order following the direction of the Court.

The law is well settled that, whether the materials are rightly or wrongly considered by the authority while passing the reasoned order cannot be an issue before a Court of contempt. A Court of contempt with its limited jurisdiction will examine whether there is any willful or deliberate violation of the direction of the Court. If there is any misunderstanding or misconstruction of law or application of any material, while passing the reasoned order, the same cannot be taken into consideration by a Court of contempt. A Court while exercising its power under contempt jurisdiction shall examine whether there is compliance of its direction and no deliberate violation thereof.

For the foregoing reasons, this Court is of the considered view that, there is no act of contempt on the part of the alleged contemnor in the instant case.

It is made clear that, this Court has not gone into the merits of the said reasoned order in any manner.

With the above observations and directions, this contempt proceeding being **C.P.A.N. 67 of 2024** stands **dropped** and **closed**.

The application being **C.P.A.N. 67 of 2024** stands **dismissed**.

(Aniruddha Roy, J.)