

14.06.2024
FRIDAY

Court : 08
Item : DL-03
Matter : WPCRC
Status : RD
Bench ID : 266048
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
CONTEMPT
APPELLATE SIDE

WPCRC 78 of 2024
with
CAN 1 of 2024

Paramita Das (Paul) & Ors.
Vs.
Anil Kumar Mishra & Ors.

Mr. Surojit Samanta, Advocate
Ms. Sohini Sengupta, Advocate

..... for the Applicants

Mr. Souvik Nandy, Advocate
Mr. Subrata Santra, Advocate

..... for the Respondents

1. Pursuant to the order dated April 19, 2024 whereby and whereunder the Rule of Contempt was issued upon the alleged contemnors, the alleged contemnors are present both physically and virtually before us.
2. The instant contempt application has been taken out by three applicants alleging willful and deliberate violation of the order dated May 11, 2023. While disposing of such writ-petition originating from an application taken out before the Tribunal, it was recorded that even a candidate, who could not qualify for a physical efficiency test may still be considered for medical test.
3. The order passed on the said date was categorical that the land-losers were permitted to participate in the process of recruitment in such category provided they qualified in the

medical test and the other eligibility criteria, if found to be in tune with the scheme or on the basis of different orders passed by the Tribunal and the Court.

4. Since no affidavit was filed on the said date, the Rule was issued in furtherance of such inaction on the part of the alleged contemnors, but when the matter is taken up today, leave is sought to tender such affidavit, which is now in order. Such leave is granted in pursuit of justice to be rendered to the litigants and to arrive at an ultimate decision in relation to an allegation made in the contempt application at the behest of the applicants.
5. The affidavit of the alleged contemnors would reveal that out of three such applicants, two applicants namely Paramita Das (Paul) and Somashree Pramanik (Respondent Nos. 1 & 3) have passed the medical test and, in fact, appointment letter has also been issued to them. It is revealed that the applicant no. 2, namely Sanjib Kumar Sahoo, could not be favoured with the order of appointment nor permitted to appear in the medical examination because of the discrepancy in the name of his father.
6. It is alleged that the identity of a person who was included in the land-looser category is required to be deciphered before the authority proceeds to take further action in this regard.
7. Mr. Samanta, learned Advocate appearing for the applicants vociferously submits that all the documents pertaining to the identity of the

applicant no. 2 was submitted with the competent authority including an affidavit affirmed before the First Class Magistrate. However, the alleged contemnors have taken a clear stand that the affidavits submitted by the applicant no. 2 was duly affirmed before the Notary Public and not before the First Class Magistrate and, therefore, the authorities cannot proceed to ascertain the identity of the applicant no. 2 as a land-loser.

8. On such discrepancy, Mr. Samanta submits that he has the copy of the original affidavit affirmed before the First Class Magistrate at least a decade before and it is improbable that the said document would not form part of the information disclosed at the time of applying his candidature for appointment under the land-looser category.
9. Be that as it may, we do not delve to go into the aforesaid factual disputes and in order to clear such impasse, we direct Mr. Samanta to hand over the affidavit sworn before the First Class Magistrate to the learned Advocate representing the alleged contemnors, here and now, which, in fact, has been done. The competent authority is directed to take note of the aforesaid affidavit and shall record its satisfaction on the genuinity and the authenticity of the same including the eligibility of the applicant no. 2 on the basis of the aforesaid documents.
10. It goes without saying that in case any further clarification is required by the authority, the

same would be communicated to the applicant no. 2 within reasonable time and we trust and hope that the authorities would not drag the issue unnecessarily for the simple reason that the litigant is waiting for such relief since long. So far as the applicant nos. 1 and 3 are concerned, since the appointment has already been given, no further grievance is raised in this regard.

11. We are conscious that the implementation of the order of the Court has been unnecessarily withheld and/or delayed. It is expected that the authorities must show respect to the majesty and sanctity of the Court and due implementation of its order when a time limit is set forth to complete the exercise.
12. Since the high officials are before the Court, this Court believes that the sense has been percolated to avoid any recurrence of similar events in future.
13. In view of the substantial compliance made to an order dated 11.05.2023, we do not intend to proceed any further in the instant contempt application.
14. The contempt application being **WPCRC 78 of 2024** is **dismissed**.
15. The **Rule** is hereby **discharged**.

(Harish Tandon, J.)

(Prasenjit Biswas, J)

