

CPAN 1384 of 2024
(Smarajit Karmokar Vs. Sri Goutam Halder & Anr.)
in
MAT 341 of 2024

Mr. Ujjal Ray (V/C)
Sk. Abdur Rahim

.... For the appellant

Affidavit-of-service, as filed, be kept on record.

The present contempt application has been filed alleging willful violation of the order dated 14 March 2024 passed in MAT 341 of 2024. By the said order, the appellant's prayer for transfer was directed to be considered by the concerned District Inspector of Schools in the light of the provisions contained in the Circular dated 3 January 2022, after granting an opportunity of hearing to the appellant and the school authority, and to communicate the final decision to the appellant.

Pursuant thereto, an opportunity of hearing was afforded to the appellant and the school authority, and a reasoned order was passed, which was duly communicated to the appellant.

Referring to certain portions of the reasoned order, Mr. Ray, learned advocate appearing for the appellant in virtual mode, submits that the appellant's prayer for transfer has not been considered in accordance with the provisions contained in the Circular dated 3 January 2022 and, as such, according to Mr. Ray, there is a violation of the order dated 14 March 2024.

Having noted the submission of Mr. Ray and considering the fact that the appellant's application for transfer has been rejected by a reasoned order, we are of the view that a fresh cause of action has, therefore, arisen.

In light of this, we are no longer inclined to proceed further with the present contempt application. Accordingly, the same is disposed of, with liberty to the petitioner to challenge the said order before the appropriate forum, if so advised and in accordance with law.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)