

09.02.2024
SSS (1)

CPAN 149 of 2020

**Girija Mohan Roy & Ors.
Vs.
Manish Jain
In
FMA 1136 of 2017
Sri Jitendra Nath Barman & Ors.
Vs.
State of West Bengal & Ors.
With
RVW 115 of 2019**

Mr. Kamalesh Bhattacharya,
Aninda Bhattacharya, Advs.
.....for the Petitioners.

Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. Sanjib Das,
Ms. Parna Roy Choudhury, Advs.

.....for the Alleged Contemnors.

Mr. Biswabrata Basu Mallick, learned Additional
Government Pleader files before us a compliance report.

Mr. Kamalesh Bhattacharya, learned advocate for
the petitioners states in relation to this report that
Condition No. 10 has not been followed by the alleged
contemnors. Condition No. 10 is as follows:-

*“10. That service of teaching and non-teaching staff
shall not be terminated without giving opportunity of
being heard by the Competent Authority and without
observing due disciplinary proceedings.”*

According to learned counsel, Clause 10 could
have been adhered to by the alleged contemnor by
regularizing the service of the teaching and non-teaching

staff. He says that the writ petitioners are working in the school as teaching and non-teaching staff and their services have not been terminated. Salary is not been paid.

In our opinion, this is a wholly different argument arising from a distinct and separate cause of action in relation to organizer teachers, who may be teaching in the school.

That aspect of the matter was not under consideration by us in the writ. We do not intend to go into that controversy in this contempt application.

We dispose of this contempt application (CPAN 149 of 2020) by giving liberty to the petitioners to seek remedy in respect of the above new cause of action in an appropriate jurisdiction, if such remedy is available to them.

[I.P. Mukerji, J]

[Md. Nizamuddin, J]