

Court No. 22

03.5.2024

(Item No. 14)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

C.P.A.N. 428 of 2024

in

W.P.A. 1194 of 2018

Mahadeb Bhattacharya

VS

Sri Mrinmoy Ghosh,
The District Inspector of Schools (S.E.),
Hooghly

Mr. Krishnendu Bera

.... For the petitioner

This is a contempt proceeding arising from an order dated **August 8, 2023, Annexure P-1** at **page 16** to the writ petition. Referring to the reasoned order passed by the alleged contemnor dated **January 30, 2024, Annexure P-4** at **page 23** to the writ petition Mr. Krishnendu Bera, learned advocate appearing for the petitioner submits that, the said reasoned order was not passed following the direction of this Court dated **August 8, 2023** and was passed in violation thereof, hence, contempt.

Today is the first day when the contempt application has been taken up. Accordingly, none appears for the alleged contemnors.

From the submissions made on behalf of the petitioner and on a careful reading of the reasoned order dated **January 30, 2024**, this Court is of the view that, the alleged contemnor has passed the

reasoned order in total compliance of the direction of this Court dated **August 8, 2023**. From the submissions made on behalf of the petitioner it further appears to this Court that, the petitioner seeks to assail the reasoned order on its merit. This cannot be gone into in a contempt proceeding.

A Court in exercise of its contempt jurisdiction has a limited jurisdiction to see whether there is any willful and deliberate disobedience and violation of its direction. The misconstruction of the direction and as a result thereof, if any, error has occurred in the reasoned order, the merit of such reasoned order cannot be gone into in a contempt proceeding.

For those reasons there is no act of contempt in the instant case.

Accordingly, this proceeding **CPAN 428 of 2024** stands **dropped and closed**.

However, it is made clear that, this Court has not gone into the merits of the reasoned order dated **January 30, 2024** and the petitioner may be at liberty to challenge the same on merit in accordance with law.

The application being **CPAN 428 of 2024** accordingly stands **dismissed**.

(Aniruddha Roy, J.)