

Court No. 2

23.8.2024

(Item No. 15)

(AB)

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

**C.P.A.N. 595 of 2024
in
W.P.A. 29216 of 2023**

Sk. Rezaul Karim
VS

Mr. Abid Hossain,
Director of Madrasah Education
Government of West Bengal

Mr. M. A. Samad

Ms. Priyanka Sharma

..... for the petitioner

Mr. Bidhan Biswas

.... For the contemnor

This is a contempt proceeding arising from an order dated **December 29, 2023**.

Since there was a dispute with regard to service of notice of hearing to be granted to the petitioner by the alleged contemnor the order dated **August 2, 2024** was passed by this Court.

Today when the matter has been taken up for consideration Mr. Bidhan Biswas, learned advocate appearing for the alleged contemnor submits a reasoned order dated **August 12, 2024** passed by the alleged contemnor, the same is taken on record. A copy of the said reasoned order has also been provided to the petitioner.

On perusal of the said reasoned order learned counsel appearing for the petitioner submits that, there are various illegalities in the said reasoned order. The reasoned order was not in accordance with law.

Considering the submissions made on behalf of the petitioner, it appears to this Court that, the issues raised before this Court while adjudicating a contempt proceeding on behalf of the petitioner, a fresh cause of action arose which cannot be considered while adjudicating a contempt proceeding. The contempt of Court shall only lie if there is a deliberate and willful violation of the order passed and direction made by the Court,

On perusal of the reasoned order submitted to this Court it appears to this Court that, the original order passed by this Court dated **December 29, 2023** stands complied with. If the petitioner feels aggrieved with the said reasoned order, he shall have its own legal remedy in accordance with law for that this contempt proceeding cannot survive any further.

In view of the above, this contempt proceeding **C.P.A.N. 595 of 2024** stands **dropped** and **closed**.

The application being **C.P.A.N. 595 of 2024** stands disposed of.

(Aniruddha Roy, J.)