

D/L.15.
March 21, 2025.
MNS.

CPAN 1692 of 2024
in
WPA No. 15134 of 2022

Mohasin Mallick
Vs.
Sri Anjan Biswas

Mr. Sabyasachi Mondal,
Mr. A. S. Fazlul Karim,
Mr. Soumen Prodhan,
Mrs. Puja Naskar,
Ms. Payel Khanra

... for the petitioner.

Re: CPAN 1692 of 2024 (contempt application).

1. By the order dated January 29, 2024 passed in WPA No. 15134 of 2022, the alleged contemnor was directed to dispose of the proceeding initiated against the private respondent no. 6 regarding issuance of OBC certificate to the said private respondent at the earliest and to consider the question as to whether the same should be cancelled. It was also recorded that the said exercise, it was expected, would be concluded in accordance with law upon giving adequate opportunity of hearing to the private respondent and all concerned, positively within March 31, 2024.
2. Subsequently, no notice of hearing was given to the petitioner. All on a sudden, by an email communication dated March 18, 2024, the alleged

contemnor informed the petitioner's Advocate that the Caste Certificate of the respondent no. 6 had already been cancelled vide an Office Memorandum dated November 16, 2023, that is, before passing of the order of this Court.

3. However, appropriate papers in that regard have allegedly not been furnished to the petitioners. Even after the said communication, the petitioner further corresponded with the alleged contemnor by email, to which there was no reply from the end of the alleged contemnor.

4. I find from the order dated January 29, 2024 that a decision was directed to be taken on the cancellation of the OBC certificate issued to the private respondent upon giving an opportunity of hearing to the private respondent and all concerned.

5. In the present case, it transpires that despite the alleged contemnor being represented by counsel at the juncture when such order was passed, it was never pointed out to this Court that the OBC certificate of the respondent no. 6 had been cancelled previously. Also, no further hearing has been given to the petitioner, who was the objector/complainant, in compliance with the order dated January 29, 2024.

6. Thus, it is required to be explained by the alleged contemnor as to how the conduct on the part of the

said alleged contemnor would be deemed not to be contumacious in respect of the order of this Court.

7. Accordingly, the petitioner shall serve a copy of the contempt application on the alleged contemnor indicating that the same shall be listed on April 4, 2025, when an affidavit-of-service shall be filed by the petitioner to that effect.

(Sabyasachi Bhattacharyya, J.)