

13.12.2024
Court No. 36
Sl. No.48
CP

WPCRC 9 of 2023
In
W.P.A. No.16402 of 2018
Tirthankar Misra
Versus

Srimath Swami Girijatamananda & anr.

Ms. Sutapa Chatterjee

...for the Applicant.

This is an application for contempt alleging violation of the order passed by this Court on July 8, 2019 in WP No. 16402(W) of 2018. By the said order, the applicant was also allowed to join his duty within a week from the date of this order. The Court had directed that the joining of the applicant/writ petitioner would be subject to the result of disciplinary proceeding, which the school authority may initiate against the applicant for the unauthorized absence.

It was further directed that all payments, acceptance and subsequent action of the school authority would be subject to the final result of the disciplinary proceeding and without prejudice to the rights and contentions of the parties.

Learned Advocate for the applicant submits that the disciplinary action initiated by the school was contrary to law and proper procedure was not followed. The decision making process was flawed. Thus, this

Court should hold the school authorities guilty of contempt.

The law is well settled. If the applicant is aggrieved by any action taken by the school authority pursuant to the order dated July 8, 2019, the proper remedy of the applicant would be to file another writ petition challenging the disciplinary proceeding, but the contempt application is not maintainable.

This Court does not find any violation of the order. It is not the petitioner's case that the applicant was not allowed to join or was restrained in any manner.

Accordingly, the contempt proceeding is dropped and the application is disposed of.

The Rule is discharged.

This order will not preclude the applicant from taking necessary steps to challenge the disciplinary proceeding, if permissible in law.

(Shampa Sarkar, J.)