

S/L 4
11.09.2024
Court. No. 551
Suwayan

**CPAN 1253 of 2023
With
WPA 20425 of 2015**

**Sk. Hasibur
Vs.
Sri Bonomali Jana**

*Mr. Biswaroop Biswas
Mr. Majnu Sk
Mr. Sk. Mustak Ali
Mr. Sk. Morshed Ali*

...for the petitioner.

*Mr. Jayanta Samanta
Ms. Paromita Malakar (Dutta)*

...for the alleged contemnor.

1. Heard learned Advocate for the writ petitioner and learned Advocate for the alleged contemnor.
2. Mr. Samanta, learned Advocate appearing on behalf of the alleged contemnor at the very outset draws attention of this court to page No. 29 of the contempt application being a copy of the of the reasoned order dated 19.04.2023 as has been passed by Additional District Inspector of Schools (SE), Uluberia Sub-Division, Howrah It is thus submitted by Mr. Samanta that in view of passing of such reasoned order due compliance has been made by the alleged contemnor pursuant to the order passed by this Court on 31.01.2023.
3. Such contention is, however, opposed on behalf of the petitioner.
4. It is submitted that the reasoned order was not in accordance with the order dated 31.01.2023 as passed in WPA 20425 of 2015.

5. On perusal of the copy of the reasoned order dated 19.04.2023 it does not appear to this Court that a case has been made out for issuing a rule against the alleged contemnor. It further appears to this Court that the legality, validity and the correctness of the reasoned order cannot be considered in a contempt proceeding.

6. Such being the position, CPAN 1253 of 2023 is dismissed.

7. It is, however, made clear that the dismissal of the instant contempt application does not preclude the writ petitioner to challenge the aforesaid reasoned order dated 19.04.2023 in an appropriate proceeding, if so advised.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)