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19.03.2025
Court No. 25
D.Hira

CPAN 289 of 2025
In
WPA 12609 of 2019

Abhishek Anthony Thomas
Vs.
Suniti Sanfui, District Inspector of Schools, SE,
Paschim Burdwan

Mr. Sandip Kumar De,
Mr. Abhijit Sarkar.
... for the petitioner

Mr. Bharkar Prasad Vaisya, Id. A.G.P.,
Mr. Suman Dey.
... for the alleged contemnor

Parties are represented.

This is a contempt application to challenge the alleged wilful and deliberate violation of this Court's earlier order by the alleged contemnor dated August 30, 2024 in WPA No. 12609 of 2019.

The mandatory order which was required to be followed by the alleged contemnor is as follows:-

“(iv). After refixation of the pay scale of the writ petitioner in the manner as narrated above, the respondent Nos. 4 and 5/District Inspector of Schools, Secondary Education, Burdwan shall consider in accordance with law the case of the writ petitioner for grant of approval and in case finds the writ petitioner to be eligible, shall grant him approval.”

According to the alleged contemnor, by delivering a subsequent order dated January 7, 2025, it has duly complied with the order of this Court as mentioned above.

However, Mr. Sandip Kumar De, learned counsel for the petitioner has raised strong objection as to the compliance of this Court's order in its true letters and spirit. He says that so far as the ground as pleaded by the alleged contemnor in the order dated January 7, 2025 is concerned, the said issue has already been dealt with by this Court previously in the said order dated August 30, 2024, which is under contempt.

In this regard, he has taken this Court to the said order to submit that in the order, the Court has accepted the submissions being duly corroborated with the documents available on record that in case of the direct recruitment like that of the petitioner, the time limit as prescribed under the Rules, would not be applicable.

Allegedly, similar grounds of bar by time limitation has been pleaded by the alleged contemnor, thereby willfully and deliberately violating to observe the order of this Court in its true letters and spirit.

Having heard learned counsels for the respective parties, the Court is of the considered opinion that the mandate as was issued against the alleged contemnor earlier in the said order of the Court dated August 30, 2024, thereby directing it to consider the case of the writ petitioner in accordance with law, for grant of approval and to grant him approval in case he is found to be eligible for that, the same has been considered and disposed of by the District Inspector of Schools, Secondary Education, Paschim Burdwan, by dint of this order dated January 7, 2025.

In such view of the fact, the Court sitting in a contempt jurisdiction shall have scanty or no scope to travel beyond the order of the Court as passed earlier and assess the legality or propriety of the order passed by the said alleged contemnor.

Hence, this contempt application should fail.

The Court is of the considered opinion that by delivering the order dated January 7, 2025, the alleged contemnor has substantially complied with the Court's order dated August 30, 2024.

For the reasons as above, I find no further ground for adjudication in the present contempt application and the same is disposed of.

The contempt application being CPAN No. 289 of 2025 is disposed of.

(Rai Chattopadhyay, J.)