

CPAN 435 of 2019

The Managing Committee, Moulana Abul Kalam
Azad Senior Madrasah now Madrasah Shiksha
Kendra being represented by Howa Bibi & Ors.

Vs.

Mr. Abid Hussain

Mr. Golam Mastafa

.... for the petitioners/applicants

This application emanates from an order passed in an earlier application for contempt. The said application was dismissed on November 12, 2018 holding, *inter alia*, that the contempt application was misconceived and not maintainable as there was no disobedience of the order of this Court either willfully or otherwise.

In the said order of November 12, 2018 a paragraph had been added that the petitioners would be at liberty to apply afresh before the concerned authority, giving them a reasonable opportunity to show-cause before their application is finally disposed of. The petitioners had made such an application on November 28, 2018, which, as per submission made by the learned counsel for the petitioners, has been ignored. Thus, the present application for contempt.

The order of November 12, 2018 merely gives a right to the petitioners to apply afresh

before the concerned authority. It stops short of casting any responsibility of the concerned officer or authority from taking steps on the basis of such representation.

In view thereof, under no circumstances, can it be said that a direction contained in the said order of November 12, 2018 has been violated willfully or deliberately or at all.

In these circumstances, the instant application fails and is dismissed.

There shall, however, be no order as to costs.

Urgent Photostat certified copy of this order, be supplied to the parties upon compliance of all formalities.

(Reetobroto Kumar Mitra, J.)