

W.P.C.R.C. 43 of 2026

**in**

WPA 25229 of 2013

**10.4.2026**

Prasanta Bera.

-vs-

Suny Misra Dist. Inspector of Schools, (SE), South 24 Parganas

ct.25, sl.92

sk

Mr. Prahlad Ch. Ghosh

Mr. Subir Hazra

...for the petitioner.

Mr. Supriyo Chattopadhyay

Ms. Iti Dutta

Mr. Nilay Baran Mondal

.....for the alleged contemnor

- 1) The alleged contemnor is personally present in Court in response to the rule issued against him on the previous occasion.
- 2) Mr. Ghosh, learned advocate has represented the petitioner.
- 3) Citing pendency of an appeal against the order under contempt, Mr. Chattopadhyay, learned advocate for the alleged contemnor has sought for accommodation today, similarly as it was done on various previous occasions.
- 4) Pertinent is to mention here a recent judgment of the Hon'ble Supreme Court, in which the Court was dealing with the issue whether delay in filing the appeal by the State can be condoned or not, the Hon'ble Court has laid

down the ratio that public interest is better served by timely Governmental action. In the context of factual background of that appeal, the Hon'ble Supreme Court has strongly deprecated condoning by the Court, repeated lapses by the State Authority.

- 5) Let it be mentioned that the said proposition (in the case of ***Shivamma (Dead) by Lrs Versus Karnataka Housing Board & Ors.*** reported in ***2025 SCC OnLine SC 1969***) squarely applies to the instant case at this juncture in so far as condoning repeated lapses by the alleged contemnor to bring a stay order by duly moving the appeal before the Hon'ble Appeal Court cannot be repeatedly done. Particularly, it is so when this Court is duty-bound to proceed in the contempt in absence of any order of stay of the Hon'ble Appeal Court operating upon this Court.
- 6) In such circumstances, time as prayed for on the ground of pendency of appeal by the alleged contemnor, cannot be allowed.
- 7) Let this matter be come up in the list on **24.4.2026** for further consideration.

8) Let this be mentioned that this order shall not preclude the alleged contemnor to comply with the Court's order dated March 24, 2026 in the meantime, if not any order of stay is granted by the Hon'ble Appeal Court, by that time.

**(Rai Chattopadhyay, J.)**