

In the High Court at Calcutta

Special Civil Jurisdiction

Appellate Side

Contempt

01 24.7.2026

Sc Ct. no.38

**Case No. : WPCRC 68 OF 2025
in
WPA 18856 OF 2019**

In the matter of : Dayanand Vidyalaya (HS),
represented by the Secretary of the
Managing Committee, Maharshi
Dayanand Bhawan, DAV School Road,
Paschim Bardhaman & Ors.

....Petitioners

VS.

Sri Suniti Sanfui, The District Inspector
of Schools (Secondary Education),
Paschim Bardhaman & Ors.

.... alleged Contemnors

For the Petitioners:

Mr. Sandip Kr. De
Mr. Abhik Chitta Kundu.

....Advocates

For the alleged Contemnors:

Mr. Amit Chakraborty, Ld. AGP
Mr. Smarajit Roy Chowdhury
Mr. Arijit Bakshi.

....Advocates

Mr. Amit Chakraborty, learned Additional
Government Pleader being ably assisted by Mr. Smarajit
Roy Chowdhury, learned Advocate and Mr. Arijit Bakshi,
learned Advocate appearing for the alleged contemnors
has placed a bunch of documents today with a report,
prepared under the signature of one Mr. Dibyendu Laha,
present incumbent, though he has not yet been
impleaded.

Firstly, the petitioners shall be at liberty to implead the new incumbent at the present post of the D.I., who shall have to defend the contempt petition.

The impleadment shall be caused in the cause title and wherever it is required in the original contempt petition by putting the signature of the learned Advocate on record for the petitioners.

The petitioners then shall serve a copy of the amended contempt petition with affidavits and cause papers upon the new incumbent and file affidavit-of-service on the next day.

Mr. Amit Chakraborty, learned Additional Government Pleader appearing for the alleged contemnors submits that, the present incumbent, Sri Dibyendu Laha though he has not yet been impleaded, shall also retire on **August 31, 2026**.

Substantial hearing has taken place today.

Mr. Amit Chakraborty, learned Additional Government Pleader appearing for the alleged contemnors referring to the notification **No.333-SE(Apptt.)** dated **June 8, 2007** from the bunch of documents placed today, submits that, for the school concerned the sanctioned post for Clerk is **two** and the sanctioned post for Gr.D staff is also **two**. Since the school is running with the fulfilled strength, the law and the State policy do not permit to give approval in favour of one Clerk and two Group D staff, as claimed by the petitioners/school.

Referring to a further notification dated **March 31, 2015** he submits that, the same had merely cancelled the previous notification **No.2356(20) GA/OM-15/2007** dated **October 3, 2007**. He has further referred to a notification bearing **No.1135-SE/DSE-12099/27/2023** dated **September 12, 2024** which shows that, the State has to act strictly in terms of the notification **No.333-SE(Apptt.)** dated **June 8, 2007**.

Mr. Sandip Kr. De, learned Advocate appearing for the petitioners has denied and disputed the submissions made on behalf of the alleged contemnors. He submits that the notification **No.333-SE(Apptt.)** dated **June 8, 2007** is restricted only for the additional strength of non-teaching staff and not for the existing permanent staff. He prays for some more time to make further submissions on the issue.

Mr. De, learned Advocate for the petitioners further submits that, the said notification dated **March 31, 2015** speaks for regularization of the appointment even though the appointments were made beyond the sanctioned posts.

Accordingly the matter shall appear under the heading '**Contempt Application**' on **September 18, 2026**.

In the last order dated **July 10, 2026** the name of the learned second counsel for the alleged contemnors should be corrected and read as **Mr. Smarajit Roy Chowdhury**.

The order shall be corrected as such.

(Aniruddha Roy, J.)