

Court No. 2
28.3.2025
(Item No. 24-
26)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

C.P.A.N. 1871 of 2024
in
W.P.A. 18856 of 2019

Dayanand Vidyalaya (HS), represented by the
Secretary of the Managing Committee Ors.
VS
Sri Suniti Sanfui,
District Inspector of Schools (SE)
Paschim Bardhaman & Anr.

With

C.P.A.N. 1873 of 2024
in
W.P.A. 18857 of 2019

Arya Kanya Uchcha Vidyalaya (HS) represented by the
Secretary of the Managing Committee & Ors.
VS
Sri Suniti Sanfui,
District Inspector of Schools (SE)
Paschim Bardhaman & Anr.

With

C.P.A.N. 1874 of 2024
in
W.P.A. 18852 of 2019

Dayananda Anglo-Vedic Higher Secondary
School, represented by the
Secretary of the Managing Committee & Ors.
VS
Sri Suniti Sanfui,
District Inspector of Schools (SE)
Paschim Bardhaman & Anr.

Mr. Sandip Kumar De
Mr. Abhijit Sarkar
..... for the petitioners

Mr. Rudranil De
Ms. Prabhleen Kaur Bharura
..... for the alleged contemnor
in CPAN 1874 of 2024

Mr. Rudranil Dey
Mr. Abhishek Chakraborty
.... For the alleged contemnor
in CPAN 1873 of 2024

Mr. Gourav Das
Mr. Parikshit Goswami
.... For the alleged contemnor
in CPAN 1871 of 2024

Mr. Sandip Kumar De, learned counsel
appears for the petitioners.

Mr. Rudranil De, learned counsel with Mr. Abhishek Chakraborty, learned advocate and Ms. Prabhleen Kaur Bharura, learned advocate appears for the alleged contemnor in CPAN 1873 of 2024 and CPAN 1874 of 2024.

Mr. Gourav Das, learned advocate with Mr. Parikshit Goswami, learned advocate appears for alleged contemnor in CPAN 1871 of 2024.

In all these three contempt proceedings a composite compliance report has been filed by the alleged contemnor today in Court, the same is taken on record. Copy of the report has been served upon Mr. Sandip Kumar De, learned advocate for the petitioner today in Court.

Mr. Sandip Kumar De, learned advocate for the petitioners submits that he shall proceed with the contempt application today itself. The petitioners shall not file any exception to the said compliance report. Neither the petitioners require any further time in the matter.

The contempt has been alleged by the petitioners against the alleged contemnor for willful and deliberate violation of the direction made by this Court in its judgment and order dated **March 11, 2024, annexure A** at **page 13** to the contempt application.

The respondents in the writ petition being aggrieved by the said judgment and order of this

Court dated **March 11, 2024** had preferred an appeal being **MAT 2260 of 2024**. The said appeal by an order dated **February 18, 2025** was ultimately dismissed by the Division Bench as the delay in filing the appeal was not condoned.

The relevant observations of the Hon'ble Division Bench from the said order dated **February 18, 2025** are quoted below:

“Reverting to the case at hand, it is evident that the order sought to be challenged in this proposed appeal was passed on 11th March 2024. The application for obtaining the certified copy was submitted on 22nd April, 2024, and it was delivered to the appellants on 25th April 2024. Subsequently, the Memorandum of Appeal was presented in this Court on 12th December 2024. Therefore, it is clear that there was a delay of eight months in presenting the Memorandum of Appeal, even after the appellants had obtained the certified copy of the order.

Given the circumstances, we are not inclined to entertain the present application. We are of the considered opinion that the appellants/applicants have failed to sufficiently explain the delay. Accordingly, the application is dismissed.

In view of the dismissal of the application for condonation of delay, the appeal and the connected application, being CAN 2 of 2025, have become infructuous and are accordingly dismissed.”

The above appeal was dismissed on **February 18, 2025** then on **March 24, 2025** by letters issued by the alleged contemnor certain documents and

records were sought for from the Secretary of the Managing Committee of the school. The letters are disclosed in the compliance report filed by the alleged contemnor today. Had there been any *bona fide* on the part of the alleged contemnor, the contemnor ought to have taken steps and issued the said letters immediately after the dismissal of the appeal and he ought not to have taken more than a month time after dismissal of the appeal.

In any event, the observation made by the Hon'ble Division Bench shows that grossly belated appeal was preferred by presenting the memorandum of appeal on **December 12, 2024** whereas the certified copy of the judgment was made available to the alleged contemnor and/or the respondents in the writ petition on **April 25, 2024**. This clearly shows the high handed act on the part of the alleged contemnor for not to comply with the direction of the order despite the contempt notice was served dated **November 14, 2024** at **page 50** to the contempt application as before that immediately after **March 11, 2024** when the judgment of this Court was delivered in open Court.

This Court, in view of the above, is prima facie, satisfied that, it is a fit case where at this stage a Rule is required to be issued upon the alleged contemnor.

In view of the above, there shall be a **Rule** to be issued upon the alleged contemnor.

The Rule is made returnable on **April 25, 2025** when the matter shall appear under the heading **“Contempt Application”**.

However, it is made clear that, pendency of this contempt proceeding or the issuance of Rule shall not preclude the alleged contemnor to carry out and comply the direction of this Court dated **March 11, 2024** in all respect and file a compliance report on the returnable date.

Mr. Sandip De, learned advocate appearing for the petitioners places letters dated **March 25, 2025** before this Court showing that in terms of the requisition made by the alleged contemnor through the said letter dated **March 24, 2025** appended to the report of the requisite information, records and documents have already been furnished before the alleged contemnor. The letters relied upon by the petitioners dated **March 25, 2025** are taken on record. Copies are also provided to Mr. Rudranil De, learned counsel appearing for the alleged contemnor.

(Aniruddha Roy, J.)