

WPCRC 491 of 2014
with
CAN 2 of 2024
with
CAN 3 of 2024

Setara Khatun
vs.
Maya Mondal

in

WPA 15575 of 2012

Setara Khatun & Ors.
vs.
State of West Bengal & Ors.

Mr. Subhabrata Datta
Mr. Debashis Sarkar

.....for the applicant

Mr. Pinaki Dhole
Mr. Avishek Prasad

...for the Alleged contemnor

1. Mr. Dhole, learned advocate appearing on behalf of the alleged contemnor/respondents would submit that the contempt application had been dismissed for default on 3rd July, 2023. Prior thereto by order dated 26th September, 2014 a contempt rule was issued.

2. Mr. Datta, learned advocate appearing on behalf of the applicant would submit that despite specific direction passed by a Co-ordinate Bench of this Court directing the respondent No. 7, 8, 9, 10 and 11 to the writ petition to appoint the petitioners who were successful in the selection process for the post of Anganwari Sahayika/Karmee, they were not appointed. He would submit that the cause of action

for maintaining the petition still survives as no appointment has been given till date, on the contrary, by placing reliance on a newspaper publication he would submit that on one hand hearing of the restoration application is being delayed by the respondents by non filing of affidavit and on the other, steps are being taken to fill up the post of Anganwari Sahayika/Karmee. A copy of the newspaper publication as placed by Mr. Dutta in Court today is taken on record.

3. Having heard the learned advocates for the respective parties delay in filing the application is condoned. Taking note of the peculiar facts of this case and the explanation given by the applicants, I am of the view that the applicants had been able to demonstrate that the applicants were prevented by sufficient cause from appearing before this Court on 3rd July, 2023 when the contempt application was dismissed for default. In view thereof, the order dated 3rd July, 2023 is recalled and the contempt application being WPCRC 491 of 2014 is restored to its original file and number.

4. List this matter on 22nd November, 2024.

5. Having regard to the conduct of the contemnors, they are directed to be personally present before this Court when the matter will be taken up on 22nd November, 2024 at 10.30 A.M.

6. The learned Registrar General, High Court Calcutta is directed to communicate this aforesaid order directly on the alleged contemnors.

(Raja Basu Chowdhury, J)