

GAHC010054882024



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/145/2024

BINOD BASUMATARY
SON OF LATE BABURAM BASUMATARY, RESIDENT OF VILL- GHULICHUK,
P.O. AND P.S. BOGINADI, DIST- LAKHIMPUR ASSAM, PIN- 787032

VERSUS

HEMA CHANDRA SAIKIA AND ANR
INSPECTOR OF SCHOOLS, LAKHIMPUR, ASSAM, PIN- 787001

2:ANIL KR. GOGOI
IN-CHARGE PRINCIPAL
BAGINADI HIGHER SECONDARY SCHOOL
LAKHIMPUR
PIN- 78703

Advocate for the Petitioner : MR H P GUWALA, H. DAIMARY,MR. A BORO

Advocate for the Respondent : MS. S G BARUAH(R-2), O ASSUMI(R-1),MR D KALITA(R-1),MR.
D NATH(R-1),MR. B BORGOHAIN(R-2),MR B SAIKIA(R-2)

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 20.12.2024

Heard Mr. A. Boro, learned counsel appearing for the petitioner; Mr. D. Nath, learned Senior Counsel for the respondent no. 1; and Ms. S.D. Borah, learned counsel for the respondent no. 2.

2. This contempt petition is preferred alleging deliberate violation of an interim order dated 14.06.2023, passed in a writ petition, W.P.[C] no. 3227/2023. It is stated that the writ petition, W.P.[C] no. 3227/2023 is pending, as on date.

3. In the writ petition, the contempt petitioner herein is the writ petitioner and the respondent no. 2 herein has been impleaded as the party-respondent no. 4. The office of the respondent no. 2 herein has been impleaded as the party-respondent no. 3 in the writ petition, W.P.[C] no. 3227/2023.

4. On 14.06.2023, the Court after hearing the learned counsel for all the respondents including the party-respondent no. 4, had passed an interim order. The relevant excerpts of the interim order dated 14.06.2023 read as under :-

‘In the interim, it is directed that neither the petitioner nor the respondent no. 4 shall be allowed to hold the post of In-Charge, Principal of Baginadi Higher Secondary School. The Inspector of Schools of the concerned District shall be allowed to hold the charge of In-Charge, Principal of the said school till the next returnable date. Accordingly, the impugned letter of appointment of the respondent no. 4 as In-Charge, Principal dated 11.05.2023 vide Memo No. GB EST/Apptt/FP/19/2022/189 shall remain suspended.’

5. The contempt petitioner has averred that despite passing of the interim order dated 14.06.2023, the respondent no. 2 was continuing to discharge duties in respect of the academic affairs of the Baginadi Higher Secondary School [‘the School’, for short] by subscribing his signature as the Principal In-Charge of Baginadi Higher Secondary School and the said fact is evident from Notices – dated 05.03.2024 and dated 11.03.2024 – annexed to the contempt petition.

6. On notices being issued, both the respondent no. 1 and the respondent no. 2 have appeared and filed their respective individual affidavits.

7. In the affidavit filed by the respondent no. 1, it has been stated that he had allowed the respondent no. 2 to look after the academic side of the School as he was finding it difficult to manage the day-to-day affairs of the School. The respondent no. 1 has further stated that he had never allowed the respondent no. 2 to serve as the In-Charge Principal of Baginadi Higher Secondary School in violation of the court order dated 14.06.2023. It has been further stated that he has subsequently stopped the respondent no. 2 to look into the academic side of the School and at present, he himself is holding the charge of Principal in all aspects in terms of the interim order dated 14.06.2023.

8. Prior to making the averments, the respondent no. 1 has rendered unconditional apology for allowing the respondent no. 2 to look after the affairs of the School for some period.

9. From the affidavit filed by the respondent no. 2, it is noticed that the respondent no. 2 has first sought to justify his actions in discharging the academic affairs of the School subsequent to the interim order dated 14.06.2023. It is pertinent to note that in the proceedings held on 12.06.2023, the respondent no. 2 was represented, meaning thereby, he had full knowledge of the interim order. The respondent no. 2 has sought to justify his actions by stating that he had taken the steps as indicated in the Notices – dated 05.03.2024 and dated 11.03.2024 – after being asked by the respondent no. 1. It was after giving such justification, the respondent no. 2 has admitted the mistakes on his part to be inadvertent ones and thereafter, sought for unconditional apology.

10. The manner in which the respondent no. 2 has sought unconditional apology for violation of the interim order dated 14.06.2023, is not appreciated.

11. Be that as it may, as the respondent no. 1 has stated that at present, he is holding the charge of the entire affairs of the School in compliance of the interim order dated 14.06.2023, the contempt petition is not required to be proceeded further, having accepted the statements of the two respondents, with a note of caution to the respondent no. 2. The

instant contempt petition stands accordingly, closed.

JUDGE

Comparing Assistant