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**CPAN No. 1341 of 2019**  
**In**  
**W.P.A. No. 756 of 2019**

**Alipurduar B.Ed. Training College & Anr.**  
**Versus**  
**Tapas Basu**

Mr. Srijib Chakraborty,  
Mr. Sunny Nandi

...for the petitioner.

Mr. Amales Ray,  
Ms. Mousumi Bhowal

...for the alleged contemnor

The alleged contemnor is present in Court. This Court does not treat him as contemnor as there is indeed some gray area in the order in question. Although the order could have been interpreted to allow 24 students mentioned in page 129 of the contempt application, contempt cannot be assumed or arrived at on the basis of an order that could be interpreted otherwise.

This Court appreciates the fairness of the learned counsel for the University. The 24 students mentioned at page 129 of the contempt application, shall deposit their

examination fees through Mr. Nirmal Das, the Teacher-in-Charge of the College in question. The said Mr. Nirmal Das (Mob. 9434842407), who is also the deponent of the contempt application, shall be handed over by the University, Admit Cards of these 24 students to enable them to sit in the 1<sup>st</sup> Semester B.Ed Examination for the year 2019-2021 on the undertaking of the said Mr. Nirmal Das that each of the students have valid testimonials and qualifications and other requirement prescribed by the University for the purpose of being eligible to sit in the 1<sup>st</sup> Semester B.Ed Examination. The undertaking of the said Mr. Nirmal Das is given in person since he is present in Court personally.

The said 24 students shall be allowed to sit in their 1<sup>st</sup> Semester B. Ed. Examination that is fixed on December 8, 2019.

It is made clear that the aforesaid order is being passed exclusively in the case of the aforesaid 24 students and shall not be a precedent.

This Court appreciates the co-operation of the Officials of the University, who are present in Court.

The personal presence of the alleged contemnor is dispensed with.

By the reason of the aforesaid, the admission of these 24 students is deemed to have been regularized, however, subject to the University verifying the testimonials subsequently.

The University may at its discretion at a subsequent stage identify any student who does not have the valid testimonials in which case such student as well as the examination undergone shall be non est and the admission of such student shall stand cancelled. The fees as aforesaid shall be deposited and the Admit Cards shall be issued by Tuesday (03.12.2019).

The aforesaid contempt application has been entertained by this Court fully conscious of the fact that the regular Circuit Bench is beginning on Monday (02.12.2019). The reasons for entertaining the contempt application today is the fact that the 1<sup>st</sup> Semester B.Ed

examination is fixed on December 8, 2019 and unless the aforesaid process is complete, the career of 24 students will be at stake.

The Department is directed to transmit the contempt application to Jailpaiguri Circuit Bench where the same shall be tagged along with the main application.

With the aforesaid directions, the contempt application being CPAN 1341 of 2019 stands disposed of. Rule, if any, shall stand discharged.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis.

**(Rajasekhar Mantha, J.)**