2026 INSC 20

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO(S). OF 2026
(DIARY NO(S). 18826 OF 2025)
IN
SPECIAL LEAVE PETITION (Civil) No (s). 14355 of 2021

GURUPADA BERA & ORS. ....PETITIONER(S)

VERSUS

BINOD KUMAR & ORS.
....RESPONDENT(S)/ALLEGED CONTEMNOR(S)

WITH

CONTEMPT PETITION (CIVIL) NO(S). OF 2026
(DIARY NO(S). 20310/2025) IN
SPECIAL LEAVE PETITION (Civil) No (s). 2809 of 2021

CONTEMPT PETITION (CIVIL) NO(S). OF 2026
(DIARY NO(S). 23548/2025) IN
SPECIAL LEAVE PETITION (Civil) No (s). 2809 of 2021

CONTEMPT PETITION (CIVIL) NO(S). OF 2026
(DIARY NO(S). 24482/2025) IN
SPECIAL LEAVE PETITION (Civil) No (s). 2809 of 2021

J U D G M E N T

Mehta, J.

1. Heard.

2. The present batch of four contempt petitions has been instituted by the contempt petitioners[1] alleging non-compliance of the directions issued by this Court *vide* order dated 16th July, 2024, passed in SLP (C) No. 14355 of 2021 and SLP (C) No. 2809 of 2021, titled as ***The State of West Bengal and Ors. v. Anirban Ghosh and Ors.***, preferred by the State of West Bengal assailing the judgment and order dated 3rd September, 2020, rendered by the High Court at Calcutta[2] in MAT No. 1221 of 2019.

3. In support of the allegations so raised, the petitioners primarily relied upon the following

[1] Hereinafter, referred to as the "petitioners".
[2] Hereinafter, referred to as the "High Court".

observations made by this Court in the order dated 16th July, 2024: -

> "2. Having regard to the fact that the impugned judgment was passed on 03rd September, 2020 and the same has remained stayed in terms of the order passed by this Court on 20th September, 2021 in SLP (Civil) No. 14355/2021 and on 29th October, 2021 in SLP (Civil) No. 2809/2021, **it is deemed appropriate to direct the State Government of West Bengal to make compliances of the impugned judgment within a period of three months from today. The relief granted in the said judgment shall also be extended to all similarly placed private respondents including the intervenors/impleaders who have moved applications in the present petitions.**"
>
> [Emphasis supplied]

4. The petitioners allege that despite specific directions issued by this Court, the relief granted by the High Court and subsequently affirmed by this Court, has not been extended to them, thereby rendering the respondent-contemnors in breach of the judgment of this Court.

5. It was submitted that, in terms of the order passed by the High Court, the State Government was

obligated to disburse salary equivalent to the basic pay in the scale applicable to a regular teacher working in the higher secondary section of a Non-Government aided higher secondary school, for the period commencing from 28th July, 2010 till 24th December, 2013, within a period of four weeks. A further direction was issued requiring the part-time contractual teachers to submit representations before the Secretary, School Education Department, justifying their claim, if any, to basic pay for the period from April, 2007 to December, 2009 and for the period subsequent to 24th December, 2013.

6. A common reply has been filed on behalf of the respondent-contemnors, wherein it has been asserted that no willful breach of the order passed by this Court dated 16th July, 2024, or of the judgment dated 3rd September, 2020, rendered by the Division Bench of the High Court, has been committed by

them. The respondent-contemnors have pleaded that the arrears/dues payable to the petitioners for the period from 28th July, 2010 to 24th December, 2013, stand duly disbursed.

7. Learned senior counsel representing the petitioners vehemently and fervently contended that the payments to which the petitioners are entitled under the judgment of this Court have not been effected/made. They submitted that the following specific directions were issued by the Division Bench of the High Court in the order dated 3rd September, 2020, none of which, according to the petitioners, have been complied with: -

> "Under such circumstances, we modify the order of the learned Single Judge by directing the appellant to make payment of salaries equal to basic pay in the scale of pay of a regular teacher. working in Higher Secondary Section in a Non-Government Aided Higher Secondary School with effect from 28 July, 2010 being the date of the order which is quoted above till 24.12.2013 when the precious G.O. dt. 28th July, 2010 stood withdrawn under G.O. dt. 24.12.2013. The said Government order restrain any further

appointment of any new part time teachers on contract basis in non-government aided higher secondary school with effect from 1st April, 2007. The arrear salary shall be paid positively within four weeks from date. In the event, the writ petitioners made a representation before the Secretary (School Education Department), in justification of basic pay for the period from April 2007 till December 2009 and after 24th December 2013 demonstrating discharge of similar duties, within a period of 4 weeks after the lockdown is relaxed and the normal functioning of the schools and colleges are restored, the Secretary, shall consider such representation within a period of 3 weeks thereafter upon giving an opportunity of hearing to the writ petitioners as well as concerned schools. The representations can be sent in the designated email of the Secretary in addition to hard copies. Ms. Kakali Samajpati, learned advocate appearing for the appellant shall furnish such email address to Mr. Partha Pratim Dutta Advocate and Mr. Sourav Dutta, Advocate respectively being the learned advocate for the writ petitioners within one week from date. It is needless to mention that Covid protocol in place on the date of hearing shall be strictly followed. The school authorities shall be under an obligation to produce the attendance register and the class routines for the aforesaid period before the Secretary (School Education Department) along with any other materials as may be. directed in order to enable the Secretary (School Education Department) to decide the claim of the writ petitioners. It is needless to mention that the Secretary shall be guided by the principle laid down in this order and shall not deny the claim of the petitioners merely because of their initial contractual appointment in view of the fact that the school education department had taken a decision not to sanction any

> additional post for these higher secondary schools which were running with part time contractual teachers since 2002 with effect from April 1, 2007. The Secretary shall pass a reasoned order which shall be communicated to the writ petitioners and the concerned schools within two weeks from the date of the order. The order may be communicated at small address of the writ petitioners & their advocates to be provided by the parties while forwarding the representations in addition to hard copies.
>
> The Government as a model employer may also sympathetically consider if some more benefits that are available to the regular assistant teachers could be extended to the writ petitioners till they attain 60 years."

8. Learned senior counsel appearing for the petitioners urged that although representations were duly submitted by the petitioners, no opportunity of hearing was ever afforded to them. It was further urged that the relevant records were not summoned from the concerned school authorities, and hence, the payments due to the petitioners have not been released. On this basis, it was contended that a specific direction is warranted to the respondent-contemnors to make payment of the amounts due to

the petitioners for the entire period during which they discharged their duties as part-time teachers.

9. *Per contra*, Shri Kapil Sibal, learned senior counsel appearing for the respondent-contemnors submitted that the case set up by the petitioners is misconceived. It was urged that due opportunity was afforded by the authorities before passing the order and that the payments to which the petitioners were found entitled have already been released.

10. We have heard the submissions advanced by learned senior counsel appearing on behalf of the respective parties and perused the material available on record.

11. Learned senior counsel, Shri Kapil Sibal, fairly conceded that the petitioners were not granted an opportunity of hearing in terms of the directions issued by the High Court, as expanded by this Court,

nor were the records of the concerned schools called for while deciding their representations.

12. In wake of the discussion made hereinabove, we hereby grant liberty to the petitioners to submit a fresh representation before the Secretary, School Education Department, within a period of six weeks from today, setting out their entire grievances/ claims/entitlements in terms of the order passed by the High Court.

13. The Secretary shall afford an opportunity of hearing to the petitioners in representative capacity either in person or through a legal advisor/advocate. The corresponding records pertaining to the engagement of the petitioners shall be summoned from the respective schools prior to proceeding with the hearing and the parties shall be permitted to inspect the same.

14. The competent authority shall pass a detailed reasoned order after considering the representations and the submissions advanced on behalf of the petitioners, within a period of four months from today.

15. Needless to state, in the event, an adverse order being passed, it shall be open to the petitioners to avail such remedy as may be available to them in accordance with law.

16. The contempt petitions are disposed of in the aforesaid terms.

17. Pending application(s), if any, shall also stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI;
JANUARY 06, 2026.