

29 28.8.2023

Ct-08

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FMA 2105 of 2016
with
I.A No. CAN 1 of 2016(Old CAN No. 2533 of 2016)

The University of Kalyani & Ors.
Vs.
Swapan Kumar Mitra & Ors.

Mr. Amitava Chaudhuri
Mr. N. Roy

... For the Appellants

Mr. Indranil Chakravarti
Mr. Suryasarathi Basu

... For the Respondent no. 1/
Writ Petitioner

1. We have heard the learned counsel appearing for the parties.

2. In view of clear assertion in ground no. X of the memorandum of appeal that the writ petitioner was not officiating in the post of Assistant Librarian (Officer) since September, 2012 and that the benefit that was extended to the writ petitioner was in respect of teaching post, although his appointment was in non-teaching post the order impugned shall remain stayed till the disposal of the appeal.

3. Since no affidavit has been filed, the allegations made are deemed to have been denied. The application for stay CAN 2533 of 2016 is accordingly disposed of.

4. The appellants are directed to file informal paper books with proper index within four weeks

from date upon prior service to Mr. Suryasarathi Basu, learned advocate on record for the respondent no. 1/writ petitioner.

5. Liberty to mention, after paper book is filed.

6. Since Mr. Suryasarathi Basu, learned advocate on record for the respondent no. 1/writ petitioner, appears, service of notice of appeal upon the said respondent is dispensed with.

7. The appeal is ready as regards service.

(Uday Kumar, J.)

(Soumen Sen, J.)

