

14th March, 2022
(D/L No.14)
(SKB)

W.P.A. 4059 of 2022

Sarif Hasan
Versus
The State of West Bengal and others

Mr. Sujit Kumar Ghosh
... for the petitioner.

Mr. D. N. Maiti
... for respondent no.4.

Mr. Swapan Kr. Datta,
Mr. Pradyot Kr. Das
... for the State.

Affidavit of service is kept on record.

The petitioner has challenged the refusal of the concerned University to entertain the petitioner's application of migration to a different College under the University on the ground of pendency of an appeal from an order passed by a learned Single Judge of this court. There is no document on record to show the refusal on the part of the University.

It appears from the submissions of learned counsel for the petitioner that the petitioner was directed to be admitted to the concerned University by an order passed by a learned Single judge which was thereafter challenged before the Division Bench. The Division Bench refused to disturb the provision of admission of

the petitioner on the ground that the petitioner was continuing with his studies in the said University.

The refusal on the part of the University would only appear from a pleading in the writ petition without any corroborating document.

After hearing learned counsel appearing for the parties, W.P.A.4059 of 2022 is disposed of with a direction on the University to consider the application made by the petitioner for migration and come to a decision based on the relevant Rules governing the issue on migration and attending the facts including the pendency of the appeal.

It is made clear that this court has not gone into the merits of the matter.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)