

44 11.12.2023

Ct-08

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FMA 275 of 2022

with

I.A No. CAN 1 of 2022

Md. Habibur Rahaman

Vs.

The State of West Bengal & Ors.

1. The appellant is not represented even in the second call.

2. The appeal has arisen out of the order dated 14th December, 2021 in which an issue was raised with regard to the maintainability of the writ petition. In view of the admitted fact that the College is neither a Government College nor a Government aided Institution. As the College is fully self-financing College, the writ petition was not entertained. The petitioner/appellant was also unable to disclose anything before the learned Single Judge whether the College has received any fund from the Government for its need.

3. In absence of the appellant, we have considered the memorandum of appeal along with the stay application and also the documents annexed to the memorandum of appeal. I do not find any reason to take any other view than what was taken by the learned Single Judge.

4. The appeal being FMA 275 of 2022 stands dismissed.

5. In view of dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2022 and the same is accordingly dismissed.

6. However, there shall be no order as to costs.

7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar,J.)

(Soumen Sen, J.)

