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Ct. 8

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MAT 147 of 2019
CAN 1 of 2019 (Old No: CAN 2837 of 2019)
CAN 3 of 2020
Kamal Kumar Bhaumik
Vs.
State of West Bengal & Ors.

With
MAT 148 of 2019
CAN 1 of 2019 (Old No: CAN 2839 of 2019)
Kamal Kumar Bhaumik
Vs.
State of West Bengal & Ors.

Mr. Piyush Chaturbedi,
Mr. Asok Kumar Ganguly,
...for the Appellant.

Mr. Nilotpal Chatterjee,
Mr. Sourabh Sengupta,
...for the Calcutta University.

Mr. Sandip Kr. Bhattacharyya,
Mr. S. Basu,
...for the Respondent No.4.

Mr. Biswabrata Basu Mallick,
Ms. Parna Roy Choudhury,
...for the State Respondents
In MAT 147 of 2019.

Mr. Tapan Kr. Mukherjee, Ld. A.G.P.,
Mr. Ranjan Saha
Mr. Somnath Naskar,
...for the State Respondents
In MAT 148 of 2019.

1. This matter was adjourned only to enable the University to produce the relevant record in order to ascertain whether the revised mark-sheet was considered by the University at the time of his admission for M.Sc. course.
2. The learned Counsel for the University has expressed his inability to produce the relevant records.
3. In our order dated 1st August, 2023, we have elaborately dealt with the matter and, hence, it is not necessary to reiterate the events that had led to filing of the appeal.

4. It is not in dispute that the petitioner was admitted in M.Sc. course and he had successfully completed the said course. He could not have been admitted to the M.Sc. course on the basis of the original mark sheet. It was only by reason of increase in the marks that he became qualified to get admission in the M.Sc. course. The University is in possession of the best evidence. The circumstantial evidence strongly suggests that the mark sheet he produced later, was correct.
5. On such consideration, we set aside the impugned order and direct release of the amount sanctioned, namely, Rs.37,74,235/- within three weeks from date along with interest at the rate of 7% per annum on the said amount from September, 2014 till 31st July, 2023.
6. The appeals and the connected applications are, accordingly, disposed of.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)