

Item-46. 17-10-2023

sg Ct. 8

FMA 2155 of 2016

Arcojit Ghosh
Versus
The State of West Bengal & Ors.

1. The parties are not represented nor any accommodation is prayed for on behalf of the parties.
2. The appeal had appeared in the warning list of cases on and from 19th September, 2023 with a clear indication that the said matter shall be transferred to the Regular Bench on 6th October, 2023. The appeal is again listed today in the main cause list. All the parties have sufficient notice about the listing of the matter before the Regular Bench on and from 6th October, 2023.
3. The appeal was filed on 26-04-2016. The record shows that no attempt has been made to move this appeal after it was filed. No step has been taken to serve notice and prepare paper books. It clearly shows that the appellant is not interested to proceed with the appeal and have virtually abandoned the appeal.
4. However, we have considered the materials on record and the impugned order passed by the learned Single Judge dated 11th March, 2016. The issue was with regard to review of theoretical papers. However, it appears from the application and the receipt annexed to the writ application that the writ petitioner, in fact, applied for scrutiny and the fees were accepted as scrutiny fees. There was separate column of review fees and admittedly, the said amount was not paid. It further transpires that the resolution adopted by the

Academic Council and as approved by the Executive Council that the system of review has been dispensed with and in view of such decision, the University authorities can only conduct scrutiny of the answer scripts of the candidates. It was on such consideration, the writ petition was dismissed.

5. In view of the above, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal fails. The appeal is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)