

28 10.10.2023

Ct-08

ar

FMA 2125 of 2015
with
I.A No. CAN 1 of 2015(Old CAN No. 7287 of 2015)
(CAN not supplied)

Nitai Chandra Kaibarta
Vs.
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 6.10.2023. The appeal was appeared on 6.10.2023 and is again listed today. 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 22.4.2015. 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.

4. Having considered the materials on record and upon going through the impugned order, we are of the view that the writ petitioner was not entitled to refund of the amount claimed as he

had expended such amount voluntarily for rendering service to the students.

5. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

6. In view of the above, the appeal is accordingly dismissed along with the connected application.

(Uday Kumar,J.)

(Soumen Sen, J.)

