

Ct. 08
Item No.28
12.12.2023
(**Suvendu**)

**MAT 2027 of 2023
With
CAN 1 of 2023**

**Mohammad Sabir Ali & Ors.
Vs.
Md. Danish Farooqui & Ors.**

Mr. Partha Sarathi Dev Barman
Mr. Amit Gupta
Mr. Akash Ganguly
Mr. Aniruddha Ganguly
..... for the appellant

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

Mr. Neil Basu
Mr. Rahul Kumar Singh
....for the respondent nos. 29-32

Mr. Jayanta Samanta
Mr. Kushal Biswas
....for the State

Mr. D. Ghoshal
.....for the UGC

1. The names of the petitioners were figured in the order dated 5th October, 2023 and they appeared before the learned Single Judge on 9th October, 2023. They challenged the order of 5th October, 2023 on 9th October, 2023.

2. We have been informed that the writ petition was dismissed on 12th October, 2023 and on review application being filed by the petitioners, the writ petition was restored along with all other interim orders existing as on 12th October, 2023.
3. The petitioner submits that by reason of recalling of the said order they would now require to be heard by the learned Single Judge. It is submitted that they are neither proper nor necessary parties in the writ petition. No copy of the amended writ petition has been served impleading them as respondents in the writ petition.
4. We dispose of the appeal and the connected application with the observations that no adverse order can be passed against the present appellants without giving them an opportunity of hearing.
5. As it appears that they have not been served with a copy of the amended writ petition, they would have opportunity to defend themselves in the pending proceeding and file affidavit if so advised.

6. All points raised in this appeal are left open to be decided by the learned Single Judge if raised in the said proceeding.
7. Urgent photostat certified copy of this order, if applied for be given to the parties on usual undertakings.

(Uday Kumar, J.)

(Soumen Sen, J.)