

Item-5. 13-10-2023

^{sg} Ct. 8

FMA 4648 of 2015

Bappa Ghosh

Versus

The Controller of Examination,
Kalyani University & 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 14-10-2015. 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 and have virtually abandoned the appeal.
4. However, we have considered the materials on record and the impugned order. Having regard to the fact that the writ petitioner in the petition has not disclose the fact that he was unsuccessful in the Part-II Examination on two consecutive occasions and no explanation was offered for the delay in approaching the Writ Court in the month of April, 2015 when the result of Part-III Examination was published in the year 2012.

5. We do not find any reason to interfere with the order passed by the learned Single Judge dismissing the writ petition on the ground of inexplicable delay and non-disclosure of the materials facts.
6. The appeal fails and the same is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)