

Item-6. 13-10-2023

sg Ct. 8

FMA 4691 of 2015

Uday Singh & Anr.

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 15-10-2015. 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 appellants are 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 petitioners have not been able to substantiate that the SSUU is of the same nature as that of ILIP or SLIP Schemes, the writ petitioner was dismissed with the following observations:

“The writ petitioners have not been able to substantiate that the SSUU is of the same nature as that of ILIP or SLIP Schemes. These are the issues of fact. The Principal Secretary, School Education Department has gone into

such issues and have given his reasons as to why SSUU scheme is not the same as that ILIP or SLIP Scheme. Reasoning given by the Principal Secretary, School Education Department has not been demonstrated to be perverse. Therefore, the writ petitioners have not been able to substantiate that there was been change in the nomenclature of the scheme only and that the original scheme has been reintroduced as SSUU scheme. Moreover, the Government has decided not to introduce ILIP or SLIP scheme after taking into consideration all the factors as noted in the impugned order.”

5. Moreover, the policy decision of the Government cannot be entertained with in the writ jurisdiction unless it is ex facie arbitrary or in breach of any constitutional rights and obligations.
6. 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 and the same is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)