

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

D/L. 14.
September 19, 2023
MNS

MAT No. 99 of 2022
with
IA No: CAN 1 of 2022.

Bhusan Rava and others
Vs.
The State of West Bengal and others

Mr. Ankur Barman,
Mr. Sayantan Bhowmik

...for the appellants.

Mr. Bikramaditya Ghosh,

...for the Primary Board.

Mr. Hirak Barman,
Mr. Momenur Rahaman

...for the State.

1. In view of the compass of the appeal being extremely short, we take up the appeal and the connected application for hearing.
2. In view of appearance of the State, formal service of notice as well as the lower court records be dispensed with.
3. By the impugned order dated November 4, 2022, the learned Single Judge merely observed that the learned Advocates appearing for the petitioner were heard and considering the contents and prayer made in the writ petition, the learned Single Judge was of the view that there was no merit in the writ petition and accordingly the same was dismissed.

4. We find that the impugned order is palpably devoid of reasons and, as such, should be re-visited on merits and be decided afresh upon attribution of proper reasons.
5. In such view of the matter, MAT 99 of 2022 along with CAN 1 of 2022 are allowed, thereby setting the order dated November 4, 2022 passed in WPA 805 of 2021 and remanding the matter to the learned Single Judge having determination to take up the same for being reheard and re-adjudicated on merits, upon attribution of proper reasons.
6. It is expected that the writ petition shall be listed before the appropriate Bench of learned Single Judge in the next Circuit, subject to the convenience of the concerned Bench.
7. There will be no order as to costs.
8. Urgent certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)