

Item-
ML-21.

04-09-2023

sg

Ct. 8

FMA 297 of 2017
CAN 3 of 2020 (old CAN 2885 of 2020)

Smt. Daliya Mazumdar nee De
Versus
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.

...for the appellant

Mr. Ranjay De, Adv.
Mr. B. Banerjee, Adv.

...for the respondent no.3

Mr. Rajarshi Basu, Adv.
Mr. Anirban Datta, Adv.

...for the State

In Re: CAN 3 of 2020 (old CAN 2885 of 2020)

1. This is an application for restoration of the appeal.
Sufficient cause being shown for not being able to be present on the day the appeal was dismissed for default.
2. The order dated 17th February, 2020 dismissing the appeal on the ground of non-appearance on the part of the learned Counsel for the parties, is recalled. The appeal is restored to its original file and number.
3. CAN 3 of 2020 (old CAN 2885 of 2020) is, thus disposed of.

In Re: FMA 297 of 2017

4. We have heard the learned Counsel for the parties. Prima facie, it appears that in view of the quashing of the Notification issued on 19th December, 1994 by which recognition of degree obtained from correspondence course from Himachal Pradesh University was denied. No reliance could have been placed on the said Notification at the time

the approval was withdrawn.

5. It appears from record that the Director of School Education approved the panel of three candidates for the post of a Lecturer under general category. The appellant is second in the panel. The approval was, however, recalled due to absence of any specific Government Orders, according to which, the Post-Graduate degree of Daliya Mazumdar nee De could be accepted for approval of appointment.
6. The matter is adjourned for a fortnight in order to enable the State to respond with regard to the implication of the impugned Memo dated 25th July, 2000 in view of quashing of the earlier Circular in three decisions of this Court and till the impugned Memo was issued.
7. Moreover, the Hon'ble Division Bench in the case of *Utpal Man vs. Jyotirmoy Sen* reported in 2001(3) CHN 721 observed that the degrees obtained in correspondence course from Himachal Pradesh University cannot be denied recognition.
8. Let the matter be listed on 18th September, 2023 for further hearing.

(Uday Kumar, J.)

(Soumen Sen, J.)