

25 22.01.2024
Ct-08

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MAT 1865 of 2023
with
I.A No. CAN 1 of 2023
CAN 2 of 2023

Prof. (Dr.) Arnab Kumar Maiti
Vs.
His Excellency Honourable Governor,
W.B & The Chancellor, University
Of Jhargram & Ors.

Mr. Manoranjan Jana
... For the Appellant

Ms. Susmita Saha Dutta
Mr. Niladri Saha
Ms. Madhurima Basu
... For the Respondent nos. 1,6 & 7

Mr. Raja Saha
Mr. Sanjoy Mukherjee
... For the Respondent no. 8

Mr. Somnath Ganguli
Mr. Sukulpa Seal
... For the State

Re: CAN 1 of 2023
(Condonation of Delay)

1. There is a delay of 42 days in presenting the memorandum of appeal.
2. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the statutory period, we are inclined to condone the delay in presenting the memorandum of appeal.
3. The application for condonation of delay is, thus, allowed without any order as to costs.
4. CAN 1 of 2023 is thus disposed of.

Re: MAT 1865 of 2023

1. Now we are taking the appeal along with application for stay. We have heard the learned counsel appearing for the parties.

2. In the writ petition the appellant had prayed for removal of the respondent no. 11 by setting aside his letter of appointment. It is not in dispute that pursuant to the order passed on 14th March, 2023 by the Hon'ble Division Bench in WPA (P) 170 of 2022 (Anupam Bera Vs. The State of West Bengal & Ors.) the respondent no. 11 had resigned from the post of Vice-Chancellor. Thereafter, the present appellant was given the responsibility to function as a Vice-Chancellor for a further temporary period of three months. That period was also over during the pendency of the writ petition.

3. Learned Single Judge after taking into consideration such facts dismissed the writ petition as infructuous.

4. On the basis of the available records and in view of the facts mentioned above we are of the same opinion with the learned Single Judge.

5. In view of the above, MAT 1865 of 2023 stands dismissed.

6. In view of the dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly dismissed.

7. However, there shall be no order as to costs.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar ,J.)

(Soumen Sen, J.)

