

17.05.2024
SI No.18
Court No.8
(gc)

RVW 235 of 2023
In
MAT 2131 of 2016
Dr. Jagatpati Tah
Vs.
The State of West Bengal & Ors.

Mr. Jayanta Mitra

...for the Petitioner.

Mr. Achintya Kr. Banerjee,

Mr. Raghunath Chakraborty

...for the University.

1. Although this application is filed for review of our order dated 21st August, 2023, in fact, it is an application for recalling of our order dated 21st August, 2023 by which we disposed of the appeal recording that the appellant was not represented. We proceeded on the basis of the submission made by Mr. Achintya Kr. Banerjee, learned Counsel representing the University.
2. The learned Counsel for the applicant/petitioner submits that the basis of the order appears to be that since the present petitioner did not controvert paragraph 4(j) of the affidavit-in-opposition, hence his case has to be treated as same as that of Akshay Kumar Chakraborty.

3. In our earlier order, admittedly we have proceeded on the basis that Akshay Kumar Chakraborty and the appellant stand on the same footing. However, in view of the fact that the appellant was not represented on the earlier occasion, we feel that an opportunity should be given to the appellant to argue the case on merits. Hence, we recall our order dated 21st August, 2023. The appeal being MAT 2131 of 2016 is restored.
4. The appeal may be placed before the appropriate Bench having the determination subject the convenience of the Bench.
5. With the aforesaid observation, the review application is disposed of.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)