

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.100 OF 2022**

Sri Ashim Chakraborty

..... **Petitioner(s)**

Vs.

The State of Tripura and ors.

..... **Respondent(s).**

For the Petitioner(s) : Mr. Somik Deb, Sr. Advocate.
Mrs. R. Chakraborty, Advocate.

For the Respondent(s) : Mr. D. Bhattacharjee, G.A.
Mr. G.K. Nama, Advocate.
Mr. S. Saha, Advocate.

Date of hearing and delivery of
Judgment & Order : 26.07.2023

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present writ petition has been filed under Article
226 of the Constitution of India seeking the following reliefs:-

"i. Issue Rule, calling upon the official respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for directing them, to transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Mark Sheet of the petitioner and the private respondent and the Evaluation sheets(Annexure-9 supra), and the consequential non-grant of the first position to the petitioner in the training test;

ii. Issue Rule, calling upon the official respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, for mandating/directing them, to forthwith revoke/rescind the impugned Mark Sheet of the petitioner and the private respondent and the evaluation Sheets(Annexure-9 supra), and the consequential non-grant of the first position to the petitioner in the Training Test;

iii. Issue Rule, calling upon the official respondents and each one of them, to show cause as to why a writ of prohibition and/or in the nature thereof, shall not be issued, for restraining/prohibiting them, from acting in any manner, in furtherance of the impugned Mark sheet of the petitioner and the private respondent and the Evaluation Sheets(Annexure-9 supra),

and the consequential non-grant of the first position to the petitioner in the training test;

iv. Call for the records appertaining to this writ petition;

v. After hearing the parties, be pleased to make the Rule absolute in terms i, ii & iii above;

vi. Costs of and incidental to this writ petition;

vii. Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;"

2. Heard Mr. Somik Deb, learned Sr. counsel assisted by Mrs. R. Chakarabarty, learned counsel appearing for the petitioner as well as Mr. D. Bhattacharjee, learned Addl. G.A. appearing for the State-respondents as well as Mr. G.K. Nama, learned counsel appearing for respondent No.7.

3. Mr. Deb, learned Sr. counsel appearing for the petitioner submits that his client stood second in the examination, but there is reasonable ground that he ranked first in the said examination. The petitioner herein had sought information, under the Right to Information Act, but the same was not supplied to him.

4. On the other hand, Mr. D. Bhattacharjee, learned G.A. has submitted that Annexure-9 to this writ petition i.e., the evaluation of the final examination sheet of Forester Training Course 2019 which has been relied upon by the petitioner herein is a confidential document and it has not been communicated to the petitioner, thus he denies the same.

5. Heard both sides and perused the evidence on record.

6. The present writ petition is disposed of with a direction upon the appellate authority under the RTI Act to consider the case of the petitioner and decided the appeal as expeditiously as possible preferably within a period of 3(three) months from the date of receipt of the copy of this order. The records which have been submitted by the learned G.A. are accordingly returned. Registry to hand over the same as per the procedure.

7. With the above observation and direction, this present writ petition stands disposed of. Stay if any stands vacated. Pending application(s), if any, also stands closed.

JUDGE

suhanjit

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