

GAHC010013922021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/581/2021

AMLANGSHU DAS
S/O- LT. MONORONJON DAS, VILL- SEUTI PART-I, P.O. BIHARA BAZAR, P.S.
KATIGORAH, DIST.- CACHAR, PIN- 788817

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
EMPLOYMENT, DISPUR, GHY-06

2:ASSAM INFORMATION COMMISSION
SHILPAGRAM ROAD
PANJABARI
GHY-37

3:THE CHAIRMAN
ASSAM PUBLIC SERVICE COMMISSION
JAWAR NAGAR
APSC BUILDING
KHANAPARA
GHY-22

4:THE DY. COMMISSIONER
CACHAR DISTRICT
DIST.- CACHAR
ASSA

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : GA, ASSAM

B E F O R E
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

17.07.2023

Heard Mr. H.R. Choudhury, learned counsel for the petitioner. Also heard Mr. J.K. Goswami, learned counsel for the respondent nos. 2 and 4.

2. Mr. T.J. Mahanata, learned Senior Counsel appearing for the APSC submits that the matter has become infructuous as the second appeal preferred before the Competent Authority prescribed under the Act.

3. It is submitted that vide order dated 18.02.2021 passed in SIC/CCR.20/2020, the Appellate Authority of the Assam Information Commission has already disposed of the appeal. The operative part of the said order is extracted below:-

“.....Considering the above and particularly stating the fact that the RTI Act stands for promoting transparency and accountability in the working of every public authority disclosure of which may also help in containing or discouraging corruption as enumerated in the Act itself, the SPIO of APSC is hereby directed to provide the information sought for by the appellant Shri Amalangshu Das through point No. 2 of the RTI application dated 04.09.2019 and provide only marks obtained by the selected candidates in the particular examination and interview referred to in the application. The information shall be provided within 15(fifteen) days from the receipt of this order and the Commission be intimated about it.”

4. It is submitted that in view of the order dated 18.02.2021, nothing survives in this writ petition and further in pursuance of the order dated 18.02.2021 issued by the Appellate Authority, the related documents have already supplied to the petitioner.

5. The writ petition was filed with the following prayers:-

“Under the facts and circumstances stated above, it is most respectfully prayed that Your Lordship would be pleased to admit this petition, call for the records, issue a Rule calling upon the respondents.

- (i) *To show cause as to why a writ in the nature of mandamus shall not be issued directing to respondents to furnish the information as sought by the petitioner ;*
 - (ii) *To show cause as to the respondent No..... has not heard the second appeal filed by the petitioner pursuant to this Hon'ble Court;*
 - (iii) *To show cause as to why the petitioner is being harassed continuously by not furnishing the information which he is seeking since long;*
 - (iv) *To furnish information to the information within a time frame;*
 - (v) *To furnish the details marks of all candidates in subject wise who appeared viva voce in response to advertisement*
- And/or pass any other order or orders, direction or directions as Your Lordship may deem fit and proper in the interest of justice.”*

6. Upon careful perusal of the order passed by the Appellate Authority, which is enclosed in the affidavit-in-opposition filed by the petitioner, it is seen that the appeal which has preferred by the petitioner came to be disposed of on 18.02.2021. That apart in pursuance to the directions available in the appellate order, marks of the selected candidates in the particular examination as well as the interview has also been furnished to the petitioner in terms of the order dated 18.02.2021. This fact is not disputed by the learned counsel for the petitioner.

7. In that view of the matter, nothing survives for adjudication any further in the present writ petition.

8. Accordingly, this writ petition stands closed, in terms of the above submissions made by the learned counsels that the appellate authority had disposed of the appeal filed by the petitioner vide order dated 18.02.2021 and the APSC has also furnished to the relevant documents in terms of the directions in said order passed by the Appellate Authority. The writ petition accordingly stands disposed of in terms of the above. No order as to cost.

JUDGE

Comparing Assistant