

CWP-4780-2017

Date of Decision : 08.03.2017

Ranvir Singh

.....Petitioner

versus

Deputy Director General, Recruiting,
(States)-cum-Appellate Authority and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Pardeep Kumar Rapria, Advocate
for the petitioner.**M.M.S. BEDI, JUDGE (ORAL)**

The petitioner has approached this Court under Article 226/227 of the Constitution of India for issuance of writ in the nature of *mandamus* directing respondent No. 1 to dispose of first appeal (Annexure P-7) which has been filed by the petitioner under Section 19 of the Right to Information Act, 2005.

Learned counsel for the petitioner has vehemently contended that the Appellate Authority is legally bound to decide the appeal within a period of 30 days which can be extended up to 45 days.

I have heard learned counsel for the petitioner and I am of the opinion that the writ petition is not maintainable in view of the alternative remedy available with the petitioner under Section 19 (3) of the Right to Information Act.

This Court is of the opinion to file second appeal before the Central Information Commission or State Information Commission as the case may be within 90 days from the date on which the decision should have been made.

Learned counsel for the petitioner submits that the second appeal would lie only after the deemed denial of adjudication on expiry of statutory period. The answer to the arguments of learned counsel for the petitioner lies in provision of Section 19 (3) of the Right to Information Act, 2005 which specifically provides filing of second appeal, in case of non-adjudication as well.

Learned counsel for the petitioner submits that since the petitioner would become overage by the time second appeal is filed and decided, so he has sought the *mandamus* from this Court. This plea is not sufficient enough to entertain the writ petition.

Dismissed.

(M.M.S. BEDI)
JUDGE

08.03.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No