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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1431/2018**

DIPAK BHATTACHARYYA

..... Petitioner

Through Mr Soumyajit Pani, Mr Chittaranjan
Singh, Mr Bhagwat Prasad, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through Mr Jasmeet Singh, CGSC with
Mr Srivats Kaushal and Mr Vinod Tiwari,
Mr Reshesh Mani Tripathi, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.02.2018

CM 5904/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 1431/2018

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) Call for the records as regard to the Appointment of the Petitioners as well as the list of the incumbents empanelled as Expert Volunteer/evaluator after the appointment of the Petitioner as the details of the work assigned to them.

(b) Issue a writ, order or direction in the nature of mandamus directing the respondent No.2 to assign the work to the petitioner who has been selected and was duly empanelled as Expert Volunteer/evaluator.

(c) Rule nisi in terms of prayer (a) and (b) in term of prayer above.”

4. Although, the petitioner is empanelled as an Expert Volunteer/evaluator with respondent no.2 (National Board of Accreditation) (NBA), the petitioner has not been provided any assignment. Aggrieved by the same, the petitioner filed an application under the Right to Information Act, 2005 (hereafter ‘the RTI Act’) seeking certain information with regard to allocation of work/assignment. The petitioner claims that the information sought by him was not provided to him in entirety.

5. Aggrieved by the denial of information, the petitioner preferred an appeal under Section 19(1) of the Act before the First Appellate Authority (FAA). The FAA rejected the petitioner’s appeal by an order dated 08.08.2017.

6. The learned counsel appearing for the petitioner submits that the petitioner had requested the FAA to afford the petitioner an opportunity to be heard; however, the same was not granted.

7. It is relevant to note that apart from raising the grievance as regard to the manner in which the petitioner’s appeal has been dealt with by the FAA, no further grounds have been urged.

8. Undisputedly, the petitioner has a statutory remedy by way of a second appeal under Section 19 (3) of the Act. In view of the same, this Court does not consider it apposite to entertain the present appeal leaving it open for the petitioner to approach the CIC if the petitioner is so advised.

9. It is noted that there are several other disputes raised in the petition; particularly, with regard to the substantive plea regarding allocation of work. Since the said issues have not been urged, this Court considers it apposite to observe that the petitioner would not be precluded from raising the same in appropriate proceedings.

10. The petition is disposed of.

VIBHU BAKHRU, J

FEBRUARY 16, 2018

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