

Ct. 05
Item No.37
09.11.2021
(suvendu)

WPA 15153 OF 2021

(VIA VIDEO CONFERENCE)

Dipak Sardar
Vs.
The State of West Bengal & Ors.

Mr. Sukumar Bhunia
Mr. Amit Banerjee
.....for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya
.....for DPSC 24 Parganas (North)

The writ petitioner participated in the selection process for appointment in the post of assistant teacher in primary school in the district of North 24 –Parganas and was found to be unsuccessful. Petitioner made an application on 22nd August, 2019, nine years after holding examination by the respondent authorities, for supply of certain information on performance of the writ petitioner in the selection process which was held in the month of January, 2010. On receipt of such application from the writ petitioner, State Public Information Officer of District Primary School Council, North 24 –Parganas (for short, “Council”) by letter dated 24th January, 2020 informed the petitioner that he obtained 5.50 marks and it was also informed that the cut off

marks for S.T. Category was 38.06. Petitioner is aggrieved by such communication dated 24th January, 2020 since in the said communication it has been intimated to him that some information is not available. In view of such failure on the part of the concerned authority of the Council, petitioner prays for production of the answer script of the said teacher recruitment examination held on 31st January, 2010.

Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader appears on behalf of the Council and submits that since the examination held in the month of January, 2010, the answer scripts of the candidates, who participated in the said examination, were not preserved after six months of the said examination. It is specifically submitted on behalf of the Council that today, after a long period of time, the answer scripts are not lying with the office of the Council.

The writ petitioner participated in the examination on 31st January, 2010 and made application under Right to Information Act on 22nd August, 2019 for supplying certain information. First of all, if such information is provided to the petitioner at this stage and even if a case is made out before this Court on receipt of such

information, no relief can be granted to the petitioner since the panel, which was prepared on the basis of the selection process initiated in the month of January, 2010, must have lost its life. In addition thereto, examining body is not bound to preserve answer scripts of the participating candidates who participated in the month of January, 2010 for an indefinite period of time. Therefore, if delay is made on the part of the participating candidate in approaching the authority for supply of answer scripts, such approach cannot be entertained by the examining body since answer scripts are not preserved perpetually.

In view of the above, the writ petition is disposed of without any order as to costs.

Affidavit of service filed on behalf of the writ petitioner is taken on record.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)