

WPO/285/2021

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUMAN SANKAR BHUNIA

-Versus-

THE STATE OF WEST BENGAL AND ORS.

Appearance:

Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.
...for the petitioner.

Mr. Subhabrata Dutta, Adv.
Mr. Debasis Sarkar, Adv.
Mr. Paritosh Sinha, Adv.
...for the State.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 3rd August, 2021.

The Court : The petitioner is aggrieved by an order dated 29th December, 2020 passed by the Chief Medical Officer of Health (CMOH), Darjeeling in reply to the petitioner's application dated 21st December, 2020 under Section 6 of the Right to Information Act, 2005.

The petitioner submits that the writ Court's jurisdiction has been invoked because of the reasons provided by the CMOH, in

not giving information as sough does not constitute a refusal or an acceptance.

This Court is of the view that the documents clearly indicate a refusal to give information for alleged objection by third parties under Section 8(1)(j). The efficacious, effective, alternative remedy of the petitioner under the RTI Act, 2005 are either before the appellate authority or before the State Information Commission (SIC).

Hence, reserving liberty to the writ petitioner to approach the appellate authority or the SIC, WPO/285/2021 is dismissed without any order as to costs.

(RAJASEKHAR MANTHA, J.)

A/s.