

17.01.2022.
Court No.13
Item No. 18
ap

**W.P.A. No. 316 of 2022
(Through Video Conference)**

**Mohana Basu
Versus
The State of West Bengal & Ors.**

Mr. Biswaroop Bhattacharya,
Ms. Mayuri Ghosh.

...For the petitioner.

Mr. Raha Saha,
Ms. Arpita Saha,
Mr. Sanjay Mukherjee.

..For the WB Information Commission.

Mr. Soumya Majumdar,

...For the Jadavpur University.

Dr. Priyanka Kundu.

...For the respondent no.6 (in person).

The writ petitioner is aggrieved by the direction dated 10th December, 2021 passed by the State Information Commission, directing disclosure of third party information (pertaining to the writ petitioner).

It is submitted by Ms. Mayuri Ghosh, Advocate for the petitioner that, in terms of Section 19(4) of the Right to Information Act, 2005, a request for information relating to third parties, is required to be dealt with in terms of the procedure prescribed thereat. Admittedly, the said procedure has not been followed.

In view of the above, the instant writ petition is disposed of setting aside the order dated 10th December, 2021, of the State Information Commission, and directly it to comply with the procedure prescribed

under Section 19(4) of the Right to Information Act, 2005 and hear the writ petitioner before passing of any orders.

Let the aforesaid exercise be completed by the State Information Commission within a period of two months from date.

It is made absolutely clear that this Court has not dwelt on the entitlement of the information or parting thereof, in any form, and the State Information Commission would be free to decide the matter strictly in accordance with law and based on the facts available.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)