

May 5, 2022
Serial No.28
Court No.1
SG

MAT 73 of 2022
with
CAN 1 of 2022
with
CAN 2 of 2022

Debasish Mandal
vs.
The Union of India and others

Mr. Sankar Biswas, Advocate

... for the appellant

Mr. Sourav Mondal, Advocate

... for the UOI

By this appeal the writ petitioner has challenged the order of learned Single Judge dated 05.10.2021 passed in WPA 11922 of 2021 whereby the writ petition has been dismissed reserving right to the petitioner to approach the State Information Commission in accordance with law.

Limited submission of learned counsel for appellant is that an application under the RTI Act was filed which was not decided by the original authority, therefore the first appeal was preferred and being aggrieved the appellant had filed the second appeal on 05.04.2021 which is still pending before respondent No.4. Thereafter a direction be issued to the said respondent to decide the appeal.

Prayer 'b' in the writ petition relates to a direction to the said respondent to decide the appeal.

Once the appeal has been preferred by the appellant, then the same is required to be considered and decided by respondent No.4 in accordance with law.

Hence, we dispose of the appeal by directing respondent No.4 to take an appropriate decision in accordance with law on the appellant's second appeal dated 05.04.2021 as expeditiously as possible preferably within a period of two months, if the same has not been decided till now.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]