

Court No.
08.12.2022

(Item No. 76)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25060 of 2022

Monjur Murshed & Ors.
VS
The State of West Bengal

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatun

..... for the petitioners

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar

.....For Madrasah Service Commission

Mr. Bhaskar Prasad Vaisya
Mr. Mrinal Kanti Ghosh

.... For the State

Affidavit of service filed in Court today, is taken on record.

The petitioners were aspirants for the post of **Assistant Teacher** and appeared in the **6th State Level Selection Test** for the subject **Work Education**. They sought for information regarding the interview list in respect of the relevant examination under the **Right to Information Act** as mentioned in **Annexure P-2** to the writ petition. The petitioners claimed that, the said application has not been disposed of.

Mr. Ali Ahsan Alamgir, learned advocate appears for the petitioners submits that, to receive the necessary information under the provisions of the Right to Information Act is a statutory right of the petitioner and by not placing the same the respondent No. 3 had acted in violation of the statutory provision.

Mr. Prosenjit Mukherjee, learned advocate appears for respondent No. 3.

Considering the above, to sub-serve justice, the respondent No. 3 is directed to consider the applications of the petitioners **Annexure P-2** at **pages 20, 22 and 24** to the writ petition (separate applications by separate writ petitioners) upon giving at least seven days prior hearing notice to the petitioners individually and thereafter affording an opportunity of hearing to them shall decide the same with a reasoned order/decision strictly in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of six weeks from the date of communication of this order and the respondent No. 3 shall communicate its reasoned order/decision to the petitioners individually in respect of their individual applications within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioners in any manner. The petitioners will be at liberty to urge whatever points they wish to urge but not beyond their respective representations before the respondent No. 3 and will be at liberty to rely upon whatever records and documents they wish to rely upon before the respondent No. 3 at the time of hearing.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is further made clear that, this order shall not create any equity in favour of the petitioners, if in the event, the petitioners are not eligible to sustain their claim strictly in accordance with law.

Mr. Ali Ahsan Alamgir, learned advocate for the writ petitioners has confirmed this Court that the ad velorem Court fees on account of three individual writ petitioners are duly paid and he is submitted the necessary receipt for that. the said receipt is also taken on record.

On the above terms, this writ petition being **WPA 25060 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)