

Court No. 22
08.12.2022
(Item No. 84)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 26013 of 2022

Abdul Hye
VS
The State of West Bengal & Ors.

Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
..... for the petitioner
Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
.....For Madrasah Service Commission
Mr. Biswabrata Basu Mallick
Mr. Shayak Chakraborty
.... For the State

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

The petitioner was an aspirant and participated in the **6th State Level Selection Test, 2013** for the subject **Physical Education** held on January 17, 2021. The petitioner claims certified copies of the OMR sheet. The petitioner filed an application dated September 8, 2022, **Annexure P-2** to the writ petition before the jurisdictional Information Officer. The petitioner contends that, such an application was filed under the provisions of the Right to Information Act which gives a statutory right to the petitioner to do so. It is submitted that, it is equally the obligation of the jurisdictional Information Officer to deal with and come to a reasonable conclusion. Such an Act on the part of the relevant Information Officer has not been done.

Mr. Ali Ahsan Alamgir, learned advocate appears for the petitioner.

Mr. Prosenjit Mukherjee, learned advocate appears for respondent Nos. 2, 3 and 4 submitted that, it is the respondent No. 3 who is the jurisdictional authority under the relevant statute to deal with and take a decision on the said application, **Annexure P-2** to the writ petition.

Considering the issues involved in this writ petition, to sub-serve justice, the respondent No. 3 is directed to consider the application of the petitioner, **Annexure P-2** to the writ petition upon giving at least seven days prior hearing notice to the petitioner and then after giving him an opportunity of hearing shall decide the issue on the same by passing a reasoned order/decision.

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. The respondent No. 3 then shall communicate his reasoned decision/order to the petitioner 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 petitioner in any manner whatsoever. The petitioner shall be at liberty to urge whatever points he wishes to urge before the respondent No. 3 by relying upon whatever records

and documents he wishes to rely upon but not beyond the scope of his application, **Annexure P-2** to the writ petition.

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

On the above terms, this writ petition being **WPA 26013 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.)