

MAT 2179 of 2017
with
IA No. CAN 1 of 2018 (Old No. CAN 502 of 2018)

**(Debasis Dutta Vs. The State of
West Bengal & Ors.)**

Mr. Satya Ranjan Kundu

..... For the appellant

The present appeal has been preferred challenging an order dated 29th November, 2017 passed in W.P. No. 28047 (W) of 2017.

Mr. Kundu, learned advocate appearing for the appellant submits that without considering the arguments, as advanced on behalf of the appellant, the learned single Judge abruptly disposed of the writ petition.

Records reveal that the appellant/writ petitioner participated in a selection process for appointment to the post of Revenue Inspector in the year 2007. He was called for an interview and he duly participated in the same. However, the marks obtained him in the written examination was not disclosed. He, accordingly, submitted an application under the Right to Information Act, 2005 on 16th February, 2009. The said application was rejected by an order dated 16th March, 2009. Challenging the same, a statutory appeal was preferred and by a memo dated 4th May, 2009 issued by the

Appellate Authority, the respondent no.4 was requested to supply the information in respect of marks obtained by the appellant in the written test. As there was no response from the concerned respondent, the appellant preferred a writ petition being WP 20633 (W) of 2009 which was disposed of by an order dated 18th December 2009 directing the concerned respondent to communicate the required information in compliance with the memo dated 4th may, 2019. Thereafter, by a memo dated 20th April, 2017, the appellant was informed that as per unauthenticated database, the appellant obtained 45.50 out of total marks of 100. Aggrieved by the said memo dated 20th April, 2017, the appellant preferred a writ petition being W.P. No. 28047 (W) of 2017 praying for issuance of necessary direction upon the respondent no. 4 to supply the information as sought for by him in his initial application.

The learned single Judge by the order impugned refused to interfere in the writ petition observing that the writ petitioner in his initial application did not ask for the answer script and since the examination process was of the year 2009.

We do not find any infirmity in the order impugned since the appellant in his original application under the Right to Information Act, 2005 on 16th February, 2009 only sought for the marks obtained by him in the written

test. There was no prayer in the said application for supplying the answer scripts.

In view thereof, no interference is called for in the present appeal.

The appeal and the connected application are, accordingly, disposed of.

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

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

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)