

Court No. 22
26.9.2022
(Item No. 3)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 10363 of 2020

Mita Sasmal Bag
VS
The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya
Mr. Prabir Chatterjee
Mr. Komal Singh for the petitioner

Mr. Bhaskar Chakraborty
..... for the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey For WBSSSC

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

Pursuant to the notification dated August 8, 2016 for the selection of **Assistant Teachers'** for Higher Secondary Schools in the 1st State Level Selection Test, the petitioner applied.

The grievance of the petitioner is that, the petitioner was not communicated as to her fate in the said examination process. The petitioner applied under the **Right To Information Act, 2005** (for short, R.T.I. Act) as would be evident from **Annexure P-11** to the writ petition.

Mr. Prabir Chatterjee, learned advocate led by Mr. Bikash Ranjan Bhattacharya, learned senior counsel submitted that, the petitioner has a right to know the fate of her application, the moment she applied under the R.T.I Act. The statutory authority cannot remain silent on such applications of the petitioner. Till date the petitioner had not received

any result as to her fate so far as the said applications filed under the R.T.I. Act were concerned.

Ms. Supriya Dubey, learned advocate appears for the West Bengal Central School Service Commission.

Mr. Bhaskar Chakraborty, learned State counsel is also present.

In view of the above, this Court is of the considered view that, justice would be sub-served if the appropriate jurisdictional statutory authority under the Right To Information Act on the issue involved in this writ petition concentrating at **Annexure P-11** to the writ petition is directed to dispose of the appeal by deciding the fate of the applications filed by the petitioner through **Annexure P-11** to the writ petition.

In the premises, the respondent No. 5 is directed to take immediate step directing the appropriate jurisdictional authority who is in seisin of **Annexure P-11** to the writ petition being the application made by the petitioner under the R.T.I. Act after giving an opportunity of hearing to the petitioner shall come to its logical conclusion by way of a reasoned order/decision.

The entire exercise as directed above, shall be carried out by the respondent No. 5 and the relevant jurisdictional authority under the R.T.I. Act in so far as **Annexure P-11** to the writ petition is concerned

after giving a prior notice of hearing at least of seven days to the petitioner and after granting an opportunity of hearing and then shall pass its reasoned order/decision on the issue within a period of six weeks from the date of communication of this order upon the respondent No. 5. The appropriate jurisdictional authority under the R.T.I. Act and/or the respondent No. 5 then shall communicate its reasoned to the petitioner within a further period of two weeks from the said reasoned decision/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. All points are kept open for the petitioner to urge before the jurisdictional authority under the R.T.I Act.

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 10363 of 2020** 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.)