

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8382 OF 2022

Bhagaban Jena

.....

Petitioner

Ms. Babita Kumari Pattanaik, Advocate

-versus-

***Odisha Information Commission,
Bhubaneswar and another***

....

Opp. Parties

Mr. Bijay Kumar Dash, Advocate
(For Opposite Party No.1)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.07.2022

Order No.

3. 1. This matter is taken up through Hybrid mode.
2. Grievance of the Petitioner in this writ petition appears to be serious in nature.
3. Upon hearing Ms. Pattnaik, learned counsel for the Petitioner, this Court finds that the Petitioner had made a request for supply of copies of the answer sheets in respect of General Studies, English and Odia subjects of selection process of SI of Police of the year 2006. The matter travelled up to the State Information Commission in SA No.149 of 2008, which was disposed of vide order dated 27th January, 2009 with the following direction:-

“4. In view of the above, the State Commission were of the opinion that:

- (i) there is no embargo in supplying the photocopy of the own answer papers of the Appellant to him;*

- (ii) *the required information be supplied within 15 days, free of cost, to the Appellant by the PIO, in view of the apparent delay;*
- (iii) *the signature, name of the Examiner/Chief Examiner and the code roll number etc. on the answer paper are to be blocked before sharing the information by way of a photocopy so as to preserve the sanctity of the examination system."*

Due to non-compliance of the said order, the Petitioner approached this Court in W.P.(C) No.6112 of 2021 and this Court vide order date 24th March, 2021 disposed of the writ petition with the following direction.

"Since the petitioner has scope of raising complain before the Odisha Information Commission for non-compliance of the direction of the Odisha Information Commission, this writ petition is not entertainable at this state. However considering the request made by the learned Counsel for the petitioner, this court permits the petitioner to withdraw the writ petition with liberty to file appropriate application before the competent authority."

But letter dated 5th October, 2010 (Annexure-6) discloses that the Odisha Staff Selection Commission responded to the Petitioner in the following manner:

"It is worthwhile to mention here that in the similar cases VIZ:- in complaint case No.1391/07 and complaint case No.1158/2007 Hon'ble SCIC vide order dat.05.02.10 and 31.08.2009 respectively has passed the following order in respect of providing Xerox copy of answer script (Copy enclosed as Annexure-VII & VIII).

"However, if the High Court of Orissa decrees in favour of the candidates by agreeing with the orders of the State Commission then the State Staff Selection Commission should provide the photocopies as requested, free of cost within 15 days thereof".

The above facts may please be placed before the Hon'ble SCIC for kind information."

4. Such a reply is quite astonishing. It is submitted by learned counsel for the Petitioner that in spite of disposal of the writ petition no action has yet been taken for supply of such information. However, in view of the fact that the Petitioner has remedy under Section 18 of the RTI Act, 2005, this Court disposes of the writ petition with an observation that Petitioner, if so advised, may file a complaint under Section 18 of the RTI Act bringing the aforesaid fact to the notice of the State Information Commission for its consideration.

5. With the aforesaid observation, the writ petition is disposed of.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge