

18.
18.5.2023
S.D.

W.P.A. 10089 of 2023

**Monalisa Das
Vs.
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Badrul Karim
Mr. Kiron Sk.
Mr. Dipankar Das

... For the petitioner

Mr. Susanta Pal
Ms. Tuli Sinha

..For the State

Mr. Raja Saha
Mrs. Arpita Saha
Mr. Sanjay Mukherjee

...For the State Information Commission

The petitioner is an incumbent in the selection process for the post of Junior Engineer in recruitment process of Elect Branch. The petitioner was called for an interview, but later on was not informed of the marks obtained by her in the 2017 Recruitment Examination. The petitioner made an application on November 24, 2022 under the Right to Information Act, 2005 before the Assistant Secretary and SPIO, Public Service Commission. Since there was no

response to the said application, the petitioner filed a first appeal under Section 90(1), RTI on January 9, 2003 before the Secretary, PSC. Since there was no response to the first appeal, the petitioner through his advocate sought to file a second appeal before the Chief Information Commissioner, West Bengal Information Commission.

Mr. Saha, learned counsel appearing on behalf of the respondent no. 6 submits that there is no second appeal in the eye of law since it has not been filed in the proper format.

Mr. Pal, learned advocate represents the State of West Bengal.

No one represents the Public Service Commission/PSC.

This Court finds its perplexing that despite the provisions of RTI, 2005, no steps have been taken to answer the queries of the petitioner by the SPIO and also the First Appellate Authority.

Considering the submissions of the parties, this Court finds that justice will be sub-served by directing the respondent no. 6 to consider the appeal of the petitioner within four weeks from the date of filing of the second appeal in proper format.

With the directions aforesaid, **W.P.A. 10089 of 2023 is disposed of.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)