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ssd

WPA 11213 OF 2023

SEIKH ABDUL KHALEK
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatun,
Ms. June Modak
..for the Petitioner.

Ms. Sayantanee Bhattacharjee
..for the State.

Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar
..for Madrasah Service Commission.

The claim of the petitioner is that the petitioner had filed an appeal under the Right to Information Act, 2005 before the respondent no.4, **annexure “P-3” at Page 24 to the writ petition.**

The grievance of the petitioner is that the respondent no.3 being the first appellate authority had not yet paid any heed thereto.

Mr. Prosenjit Mukherjee, learned Advocate appeared for the respondent nos.3 and 4 and submitted that after the specified time period the Commission will have to destroy or may destroy the records of the selection test in terms of the relevant notice for recruitment.

This submission is vehemently opposed by Mr. Ali

Ahsan Alamgir, learned Advocate appearing for the petitioner.

Ms. Sayantanee Bhattacharjee, learned Advocate appeared for respondent no.1.

In view of the above, to sub-serve the justice respondent no.3 shall decide and dispose of the appeal filed by the petitioner, **annexure “P-3” at Page 24 to the writ petition** upon issuing seven days’ prior hearing notice to the petitioner and all the respondents in the appeal, by passing the reasoned order positively within a period of six weeks from the date of communication of this order.

While deciding the issue the appellate authority will be free to decide all the points strictly in accordance with law.

This order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to receive his claims in the appeal strictly in accordance with law.

Since no affidavit has been called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is made clear that this court has not gone into the merits of the claims and rival claims of the parties recorded above and has also not gone into the merits of the appeal at all.

The parties will have liberty to urge whatever points they wish to urge in the appeal.

The appellate authority shall decide strictly in accordance with law.

On the above terms, this writ petition, **WPA 11213 of 2023** stands disposed of without any order as to costs.

(Aniruddha Roy, J.)

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