

D/L. 27.
September 6, 2023.
MNS.

WPA No. 13204 of 2023

Md. Babul Huda
Vs.
State of West Bengal and others

Ms. Mousumi Hazra

... for the petitioner.

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

...for the WBIC.

1. The grievance of the petitioner is that the petitioner applied for certain information regarding an examination which was taken by the petitioner but he could not succeed.
2. It is argued that the queries were substantially answered by the State Public Information Officer (SPIO), but for three of the queries.
3. By placing reliance on the queries of the petitioner annexed at age page 36 and 37 of the writ petition (Annexure P-2), it is argued by learned counsel that all the queries by the petitioner were justified and could not have been

refused on the ground that those pertain to third party information.

4. It is argued that the question nos. 5, 6 and 8, which were refused on such ground, relate to a legitimate interest of the petitioner as a participant in the examination process and for the sake of transparency.
5. Upon the first authority having refused to give proper information on the said three queries, the petitioner approached the first appellate authority, which upheld the decision of the first authority, upon which a second appeal has been preferred, but is still pending since last January.
6. It is submitted by learned counsel for the appellate authority that the appellate authority is hard-pressed due to heavy pendency of matters before it.
7. Instead of relegating the matter to the second appellate authority, since all concerned have been served with notices, as is evident from the affidavit-of-service which is kept on record, I choose to ascertain the veracity of the

claims of the petitioner on the three queries, which have been refused.

8. Insofar as the query nos. 5 and 6 are concerned, those seek for the OMR sheet, digitalized data and model answer key for OMR sheet with regard to the successful candidates as well as all other candidates. However, the production of the OMR sheets themselves pertains to third party information and was rightly refused by the authorities, particularly since there is no pending proceeding alleging rampant irregularities in the examination as a whole as of today.
9. Insofar as the last query is concerned, the petitioner sought for being provided with the names, roll numbers, marks obtained in written examination and marks obtained in interview of all candidates, who have been selected / empanelled in the District Level Selection Committee P & RD Section, Uttar Dinajpur, for the post of Gram Panchayat Karmee.

10. In any event, the same could not have been refused on the ground of being third party information as the results of the examination are required to be put up on public forum anyway to ensure transparency in the acts of the State.

11. Hence, instead of keeping the second appeal under the RTI Act pending unnecessarily, WPA No. 13204 of 2023 is disposed of by directing the respondent no. 3 to furnish the information sought by the petitioner under query no. 8 of Annexure P2 at pages 36 and 37 of the writ petition and furnish the names, roll numbers, marks obtained in written examination and marks obtained in interview of all candidates who have been selected / empanelled in the District Level Selection Committee P & RD Section, Uttar Dinajpur, for the post of Gram Panchayat Karmee.

12. Such information shall be furnished to the petitioner at the earliest, positively within four weeks from the date of

communication of this order to the respondent no. 3.

13. The respondent no. 3, over and above such compliance, shall endeavour to publish the said results on any public forum either by newspaper advertisement or by uploading in any government website, also within four weeks from the date of this order.

14. By virtue of this order, needless to say, the pending second appeal of the petitioner stands disposed of and shall be treated to be so by the second appellate authority.

15. There will be no order as to costs.

16. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)