

28.04.2023
rc/ct.no.10
Item No.137

WPA No. 16449 of 2022
Sk. Sirajul Ali
Versus
State of West Bengal & Ors.

Mr. Partha Sarathi Das
Md. Hafiz Ali
Ms. Shanta Sarkarfor the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly ...for the State

Mr. Nadeem Sulaimanfor the Madrasah

Mr. Raja Saha
Ms. Arpita Saha
Mr. Sanjay Mukkherjee
...for the State Information Commission

Affidavit of service filed by the petitioner is taken on record.

The petitioner was an aspirant for the post of **Assistant Teacher-Physical Education in State Level Selection Test-2013 (SLST-2013)**. After becoming unsuccessful in the said selection test the petitioner has applied for certain information under the provisions of the Right to Information Act, **Annexure P/2 page 18 to the writ petition**, those were not provided. The petitioner preferred the first appeal and ultimately the petitioner preferred second appeal **at pages 26-27 to the writ petition**. The same is pending before the second appellate authority, the respondent no. 6 herein.

Mr. Raja Saha, learned counsel appearing for the respondent no. 6 submitted that for a substantial period

the second appellate authority not being available, the forum could not operate. He submitted that now the forum has resumed its function.

In view of the above, the respondent no. 6 shall dispose of the appeal after granting opportunity of hearing to the relevant parties positively within a period of 6 weeks from the date of communication of this order without granting any unnecessary adjournments to anybody. The second appellate authority shall act strictly in accordance with law while disposing of this appeal.

Since affidavits are not called for, the allegations in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that this order shall not create any equity or right in favour of the petitioner and the fate of the appeal shall be governed strictly in accordance with law.

On the above terms this writ petition being **WPA No. 16449 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Ray,J)