

18.
16.8.2023
S.D.

W.P.A. 16602 of 2023

Swati Datta @ Dutta (Sen)

Vs.

The State of West Bengal & Ors.

Mr. Syed Julfikar Ali

..For the Petitioner

Mr. Tapan Kumar Mukherjee, A.G.P.,

Ms. Tuli Sinha

...For the State

Ms. Sucharita Roy

Ms. Trisha Saha

...For the Respondent Nos. 2 & 3

The petitioner applied for engagement to the post of Supervisor, in ICDS Project, Paschim Medinipur. The petitioner is working as an Anganwadi Worker (AWW). The petitioner participated in ICDS (Female only) Examination, 2019 held by the Public Service Commission (PSC). The examination was held on January 30, 2021 and January 31, 2021. The result was published on March 3, 2023. However, the petitioner's name did not appear in the list of successful candidates. The petitioner made applications under the Right to Information Act, 2005 on March 3, 2023, March 14, 2023 and March 29, 2023. The said Public Information officer (SPIO) responded to the petitioner's query sometime in or around

July 24, 2023. Most of the queries of the petitioner were answered in the negative since the SPIO held that no information could be provided at present as the selection procedure for the post of Supervisor was under process and the information could be made available to the petitioner after the publication of the result.

In case, the petitioner was not satisfied with the reply made by the SPIO and the Section Officer, the petitioner could prefer an appeal before the First Appellate Authority.

Mr. Ali, learned counsel appearing on behalf of the petitioner submits that the said reply from SPIO was received during the pendency of the writ petition.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that since there is a provision of statutory appeal, the petitioner should take recourse to such avenue before filing of a writ petition.

The petitioner is permitted to apply before the First Appellate Authority within three weeks from date.

In the event, such an appeal is filed by the petitioner, the First Appellate Authority shall consider and TRY TO dispose of the same within 30 days from the date of filing of the appeal in accordance with law.

Mr. Mukherjee, learned Additional Government Pleader appears for the State respondents.

Ms. Roy, learned counsel appears on behalf of the respondent nos. 2 and 3/Public Service Commission.

With the directions aforesaid, **W.P.A. 16602 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the 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 official **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.)