

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 897 of 2023

Smt. Paromita Bhowmik
-versus
The State of West Bengal & Ors.

Mr. Kumar Santanu
... For the petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahman
...For the State.

The petitioner has made an application under the Right to Information Act, 2005 (hereinafter referred to as the “said Act”), to the Officer-on-Special Duty, State Public Information Officer, West Bengal Regional School Service Commission, Northern Region, Malda on 8th November, 2022, seeking certain information.

The petitioner says that she did not receive the information till the writ petition was affirmed and filed on 4th April, 2023. Only after filing of the writ petition, a part of the queries put forth by the petitioner has been replied and for the rest no information has been provided.

The case of the petitioner, if no decision is received from the concerned officer within a reasonable period of time, falls within the purview of Section 19 of the said Act. Thus, the writ petition, at the time of filing

the writ petition was hit by the statutory embargo which provides for a specific remedy. The second grievance of the petitioner that all the information sought for has not been provided comes under the second limb of Section 19(1) of the said Act. Even in that case, the petitioner's remedy lies in appeal.

Considering the aforesaid facts and circumstances and keeping in mind the alternative statutory remedy available to the writ petitioner, the writ petition is dismissed. The dismissal of the writ petition will not stand in the way of the petitioner preferring an appeal under Section 19 of the said Act, if permissible in law.

Since I have not called for affidavits, allegations contained in the writ petitioner are deemed not to have been admitted.

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

(Arindam Mukherjee, J.)