

09-08-2023
Court No.2
Sh/9.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 1510 of 2023

**Papu Chaurasia
-Vs-
State of West Bengal & Ors.**

Mr. Biplab Sengupta,
Mr. Kumar Shantanu
..For the Petitioner.

Mr. Pretom Das.
.. For the State.

Mr. Tara Prasad Halder,
Mr. Subhasish Misra.
For the respondent nos.4 and 5

Affidavit of service filed in Court today be taken on record.

On prayer of the petitioner liberty is granted to implead the Joint Secretary, Government of West Bengal, School Education Department as respondent no.8 in the writ petition. The cause title of the writ petition be amended accordingly.

Since the 8th respondent is represented further service of notice upon the said respondent is dispensed with.

Heard learned counsels for the parties.

The petitioner participated in the Teacher Eligibility Test (TET)-2014 for appointment as a primary school teacher. He qualified in the test and participated in the interview under the jurisdiction of Darjeeling district.

Since the petitioner was not finally selected for the post he made an application under the Right to Information Act, 2005 on 6th March, 2017 seeking certain information in connection with the test. No reply being received by him, the petitioner filed a further application on 3rd May, 2017 which was forwarded to the Secretary, West Bengal Board of Primary Education by the Chairman, Siliguri Primary School Council vide memo dated 2nd June, 2017. The authority remained silent over the matter for which the petitioner was constrained to come before this Court in a writ petition being W.P. 25534(W) of 2017. By an order passed on 25th October, 2017, a co-ordinate bench of this Court directed the first appellate authority to consider and decide the first appeal filed by the petitioner within a stipulated time frame. In compliance with the said order, the first appellate authority, by an order passed on 8th February, 2018 referred the matter to the Secretary, West Bengal Board of Primary Education for disposal of the application filed by the petitioner, in compliance whereof, a letter was issued to the petitioner on 10th April, 2018 containing information sought by the petitioner.

Learned counsel for the petitioner submits that the petitioner is aggrieved by the information furnished by the authority since the letter does not disclose the answers to the queries made by the petitioner. The petitioner seeks to prefer an appeal against the said letter.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is inclined to hold that since the petitioner intends to

prefer an appeal against the information furnished on 10th April, 2018, the concerned authority be directed to consider the same in accordance with law.

The writ petition is accordingly, disposed of with liberty to the petitioner to prefer a statutory appeal against the reply dated 10th April, 2018, as sought.

The concerned authority, being the 8th respondent herein, is directed to consider and dispose of the appeal within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

In the event the petitioner prefers the appeal within two weeks from date, the 8th respondent shall deal with the same on merits without dismissing the same on the ground of limitation.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observation and direction the writ petition being WPA 1510 of 2023 is disposed of.

There shall be no order as to costs.

Since no affidavits have been called for, the allegation contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties expeditiously on compliance of all requisite formalities.

(Suvra Ghosh, J.)