

20.11.2024
Item No.11
gd/ssd

MAT/1179/2024
ASHARI MAJHI AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024, CAN/2/2024

Mr. Debasis Sur,
Mr. Hare Krishna Halder,
Mr. Anshuman Patra,
Mr. Mrinmoy Chatterjee
..for the Appellants.

Mr. Joydip Banerjee,
Mr. Sanjoy Mukherjee
..for the State.

Mr. Nilay Baran Mandal
..for the DPSC, Purulia.

Re: CAN 1 of 2024

1. This application has been filed by the appellants seeking condonation of delay of 12 days in filing this appeal.

2. Learned counsel for the appellants has referred to the explanation which has been furnished in the application and also has made submission in respect of the explanation for the delay.

3. We find that the delay in filing this appeal has been sufficiently explained and the appellants were prevented from filing the appeal within time on account of bona fide reason.

4. Hence, CAN 1 of 2024 is accordingly, allowed.
The delay in filing the appeal is condoned.

Re: MAT 1179 of 2024

5. The appellants filed the writ petition seeking to set aside the order passed by the West Bengal Information Commission. The appellants sought for supply of a copy of a memo purported to be an order passed by the State of West Bengal proposing to regularize those educators who were engaged in primary education in remote corners of the State of West Bengal.

6. The authorities under the Right to Information Act have stated that copy of such memo is not traceable and not available.

7. Challenging this order, the appellants had filed the writ petition.

8. As rightly held by the learned Single Bench, when a copy of the memo was not available, the authorities under the Right to Information Act cannot be faulted for not supplying with the same. The learned Single Bench rightly also gave liberty to the writ petitioners to approach the civil court seeking for compensation.

9. We are of the view that the appellants were before the wrong forum with the wrong prayer. If at all the appellants seek for any regularization, that the relief should have been sought for before the appropriate forum.

10. Therefore, in addition to the liberty granted to the appellants to approach the civil court, we also leave it open to the appellants to approach the appropriate forum for necessary relief as they deem fit to pray for.

11. With the above directions, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)