

202 26.6.2024
Sc Ct. no.2

WPA 18267 OF 2023

Dolon Konai Dom @ Dolon Dom (Konai) @ Dolon Konai
Vs.

The State of West Bengal & Ors.

Mr. Nikhil Kumar Gupta
....For the Petitioner

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque.
....For the Respondent
Nos. 1 to 7

Mr. Nikhil Kumar Gupta, learned advocate appears
for the petitioner.

Mr. Lalit Mohan Mahata, learned Additional
Government Pleader appears for the respondent nos.1 to
7.

None appears for the rest of the respondents
despite notice. The law presumes that, these respondents
do not intend to oppose this writ petition.

The petitioner claiming to be the second empanelled
candidate for the post of **ASHA** karmee of the concerned
Panchayat filed this writ petition challenging the selection
process held by the concerned Panchayat. Referring to a
representation dated **May 23, 2023** at **page 40** to the
writ petition, learned advocate for the petitioner submits
that, the grounds for challenge are mentioned therein and

the said representation has not yet been considered by the respondent no.4.

Learned Additional Government Pleader submits that, the representation was made by the husband of the petitioner after about two months of the selection process was complete.

Per contra, the petitioner submits that, after receiving the information as mentioned in the said representation dated **May 23, 2023**, the petitioner submitted an application under the **Right to Information Act, 2005** and then a justice demand on **June 21, 2023**. The petitioner received a reply from the appropriate authority on **June 30, 2023, Annexure-P7 at page 45** to the writ petition which *ex facie* shows that, the information have not been furnished to the petitioner which were sought for under the provisions of the **Right to Information Act, 2005**.

In view of the above, the appropriate authority shall furnish the necessary information to the petitioner in terms of the application submitted under the **Right to Information Act, 2005** positively within a period of **four weeks** from the date of communication of this order.

It is made clear that, this Court has not gone into the merits of the representation and the prayers made in the writ petition, other than to what extent it is disposed of herein at this stage.

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

With the above direction, this writ petition **WPA 18267 of 2023** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)