

AD-26
Ct No.09
15.01.2024
TN

WPA No. 26480 of 2023

Sonali Gope
Vs.
State Public Information Officer and another

Mr. Avijit Gope

.... for the petitioner

Mr. Raja Saha,
Mr. Sanjay Mukherjee

.... for the respondent no.2

- 1.** The petitioner's grievance is that the petitioner sought certain information regarding the Miscellaneous Service Recruitment (Preliminary) Examination, 2019 but the State Public Information Officer (SPIO), that is, the respondent no.1 has not responded to the same. The petitioner submits that he has preferred an appeal which is also pending.
- 2.** Learned counsel for the respondent-authorities points out that no first appeal has been preferred but a direct second appeal has been taken out by the petitioner.
- 3.** Be that as it may, since the grievance of the petitioner at this stage is innocuous as he did not receive any reply from the State Public Information Officer, that is, the SPIO, the

purpose of justice would be sub-served if, instead of relegating the petitioner to the appellate authorities, the respondent no.1, that is, the State Public Information Officer is directed to furnish a response to the application under the Right to Information Act filed by the petitioner.

4. Accordingly, WPA No. 26480 of 2023 is disposed of by directing the respondent no.1, the State Public Information Officer, to respond in writing to the application filed by the petitioner for information under the Right to Information Act, 2005 annexed to the writ petition.
5. Such response shall be given by the SPIO within four weeks from date.
6. The information which in the opinion of the SPIO is permissible in law to be given to the petitioner shall be furnished in its response. With regard to the information which in the opinion of the SPIO cannot be furnished to the petitioner, the respondent having a valid defence for so saying, the SPIO shall give adequate reasons in its response for non-furnishing of those components of the information also in its response.
7. By virtue of this order, it is deemed that the second appeal pending at the behest of the petitioner is rendered infructuous. A copy of this

order shall be forwarded to the said authority by the petitioner to ensure that the second appeal is disposed of as infructuous.

- 8.** There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)