

CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI

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20.02.2024
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WPA 212 of 2024

Dipak Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Kunaljit Bhattacharjee
Mr. Alok Sah

...for the petitioner

Mr. Subir Kumar Saha, Ld. AGP
Ms. Rima Sarkar

...for the State

Mr. Raja Saha
Mr. Sanjay Mukherjee

...for the respondent no. 4

Affidavit of service filed on behalf of the petitioner is taken on record.

Parties are heard today in connection with a second appeal which has been preferred by the petitioner which is at page 29 of the writ petition.

It has been submitted by the learned advocate representing the petitioner that after instituting the second appeal before the Central Information Commission the Deputy Registrar vide memo dated 7th July, 2023 forwarded the second appeal to the Secretary, West Bengal Information Commission for taking decision.

However, on hearing Mr. Raja Saha, learned advocate representing the West Bengal Information Commission it appears that straightway petitioner cannot prefer second appeal without approaching

the first appellate authority with first appeal as contemplated under Section 19 of the Right to Information Act, 2005.

In view of the situation which has cropped up for filing second appeal without approaching the first appellate authority this Court for the ends of justice of equity directs the concerned respondent authorities to treat the second appeal of the petitioner as first appeal and the Secretary of the West Bengal Information Commission is directed to forward the said second appeal to the first appellate authority by 2 (two) weeks from the date of communication of the order upon treating the same as first appeal.

On transmission of the appeal to the first appellate authority the first appellate authority is directed to decide the appeal within a period of 10 (ten) weeks from the date of receipt of the appeal from the Secretary, West Bengal Information Commission.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)