

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 1888 of 2025

Subhra Ghosh

vs.

The State of West Bengal & Ors.

With

CAN 1 of 2025

CAN 2 of 2026

For the Appellant

: Mr. Subhas Chandra Sarkar

For the Respondent No. 4

**: Mr. Raja Saha
Mr. Sanjoy Mukherjee**

Heard & Judgment on

: March 11, 2026

Debangsu Basak, J.:-

1. Appeal is at the behest of a writ petitioner and directed against a judgment and order dated August 4, 2025 passed in W.P.A. 13530 of 2025.

2. Appeal was specially assigned to this Bench by the Hon'ble The Chief Justice on February 5, 2026.
3. By the impugned judgment and order, learned Single Judge dismissed the writ petition on the ground that the writ petitioner approached the Writ Court at a belated state.
4. Learned advocate appearing for the appellant submits that, the appellant participated in the 9th Regional Level Selection Test, 2008 held on December 21, 2008. Appellant was successful therein. Appellant made several applications under the Right to Information Act, 2005. Requisite information was not provided. Consequently, the appellant filed the writ petition being W.P. A. 20632 of 2015 seeking relief with regard to the applications filed under the Right to Information Act, 2005. Such writ petition was dismissed by an order dated July 4, 2022.
5. Learned advocate appearing for the appellant submits that in the proceeding under the Right to Information Act, 2005, the application for information was dismissed right upto the second appeal stage on the ground that the requisite information was destroyed. He draws the attention of the Court to the order of the First Appellate Authority under the Right to Information Act, 2005, dated February 12, 2025. He submits that the copies of the answer scripts were denied to be given under the Act

of 2005 on the ostensible plea that they were destroyed as per the decision of the WBCSSC.

6. The Information Commission is represented.
7. We find from the records that the appellant participated in the 9th Regional Level Selection Test, 2008. Appellant is seeking answer scripts with regard to such test.
8. The impugned order was passed in second writ petition filed by the appellant. The first writ petition being W.P. 20632 of 2015 was dismissed on July 4, 2022.
9. Prayers in the present writ petition are as follows:-

“a) A writ in the nature of Mandamus to consider the marks of the petitioner in part 1 as 60% as no Answer Sheet was placed and destroyed.

b) A writ in the nature of Mandamus to consider the petitioner as a successful candidate and offer her for appointment.

c) A writ in the nature of Mandamus on the West Bengal Information Commission for bringing the fact that why the RTI Applications were kept pending and not allowed time to WBSS Commission to destroy the Answer Sheet of the petitioner.

d) Rule NISI in terms of prayers (a), (b) & (c);

e) Costs;

f) Compensation;

g) Any further order/orders, direction/directions as Your Lordship may deem fit and proper.”

10. Essentially, the prayers demonstrate that the appellant is seeking employment as an Assistant Teacher as a successful candidate in the selection process in which the appellant participated.

11. Averments made in the writ petition demonstrate that the panel for the selection process expired in 2010, if not earlier. The present writ petition in which the impugned judgment and order was passed was filed in 2025.

12. So far as the aspect under the Act of 2005 is concerned, we find from the records that the answer scripts were destroyed. There is no evidence placed before us to suggest otherwise.

13. Under the Act of 2005, the authority is required to provide such information as are available to them. Destruction of the records not being established to be incorrect, the decisions of the Information Officer, First Appellate Authority and the Second Appellate Authority under the Act of 2005 need not be interfered with in a writ petition.

14. In such circumstances, we do not find any merit in the present appeal.

15. **M.A.T. 1888 of 2025** and the connected applications being **CAN 1 of 2025**
and **CAN 2 of 2026** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

16. I agree

S.D.

(Md. Shabbar Rashidi, J.)