

100219/CA  
20/02/2024



To,  
West Bengal Information Commission  
11-A, Mirza Ghalib Street,  
Khadya Bhawan,  
Kolkata-700 087

**Subject:** Second Appeal under Section 19(3) of Right to Information Act, 2005

**Date:** 20/02/2024

**Name and Address of the appellant:**

Moumita Mallick, UJJAYINI,  
A/J C BOSE LANE,  
CHRISTIAN DANGA BYPASS ROAD, AT+P.O.+DIST.- BANKURA,  
WEST BENGAL, PIN- 722101

**Name and Address of the CPIO:**

The West Bengal Central School Service Commission,  
EE Block, Sector II,  
Salt Lake City, Bidhannagar,  
West Bengal-700091

**Date of submission of RTI request:** 14/10/2023

**Date of RTI reply:** No response received

**Name and Address of the FAA:**

The West Bengal Central School Service Commission,  
EE Block, Sector II,  
Salt Lake City, Bidhannagar,  
West Bengal 700091

**Date of submission of FA request:** 09/12/2023

**Date of FA reply:** No response received

**Brief facts of the case:**

A  
20/2/24  
Moumita Mallick

1. The Applicant had filed a RTI Application seeking information on the following grounds:

Please provide the following information under section 2(f) and 2(j) of the RTI act:

1) The details of the vacancy in the Post of Assistant Teacher in English, Post from which Mitali Roy, A.T. retired from the service on 31.3.2023, from Bankura Hindu High School, Bankura Municipality, P. O. and Dist. - Bankura, Pin-722101, West Bengal.

2. However, there was no response from the concerned Public Information Officer (PIO) of the Public Authority to the RTI Application within the mandatory period of 30 days from the date of receipt of the application.

3. The Applicant, then proceeded to file a First Appeal u/s 19 of the Right to Information Act against the no-response of the PIO to the application.

4. However, there was no response from the concerned First Appellate Authority (FAA) of the Public Authority to the First Appeal.

#### **Grounds for Prayer or Relief:**

1. As there is no reply from the PIO within 30 days from the date of the RTI Application and also no reply from the First Appellate Authority within 30 days from the date of the First Appeal, a second appeal is being filed under section 19(3) of the Right to Information Act within the mandatory time period of 90 days. The copy of the RTI application and first appeal have been annexed herewith as Annexure 1 and Annexure 2.

The applicant has not been provided with any response/reply from the concerned PIO. The present appeal is a case of No Response to the RTI. The applicant has not been provided with any response/reply from the concerned FAA. The present appeal is a case of No Response to the First Appeal. As there has been no response from the concerned PIO and FAA, the question of the acknowledgment copy/proof does not arise as the applicant has not been provided with one by the concerned authorities. The applicant has duly filed the

*Moumita Mallick*

RTI application through speed post having India Post tracking number ED5075868351N and First Appeal through speed post having India Post tracking number ED5087645901N.

2. The failure of the PIO as well as the FAA to respond to the application within the specific time frames as provided under the Act is a violation of Section 5(2), 5(4) and 5(5) which mandates that the PIO is to make all efforts to ensure that the requested information is properly furnished to the applicant.

3. The denial of information by the PIO is in violation of the provisions of the RTI Act, tantamounting to deemed refusal in terms of Section 7(f) of the RTI Act which makes the PIO liable for penal action under Section 20(1) of the RTI Act. The PIO has clearly failed to discharge its duties and obligations in the letter and spirit of the Act.

4. The information sought by the applicant in the RTI Application is very much a part of the information maintained by the concerned public authority falling under the definition of section 2(f) of the RTI Act and the PIO and FAA have no reasons whatsoever, of refusing to provide the information. In fact, their failure to even reply to the application highlights the fact that the application has been dealt with in a negligent and apathetic manner.

5. Various orders have been passed by the Hon'ble Central Information Commission to the effect that a no response from the PIO and the FAA calls for strict action against the concerned officer along with directions to be issued for the disclosure of the information sought at the earliest.

6. In the CIC decision of F.No. CIC/SS/A/2014/000013-Y and F.No. CIC/YA/A/2014/000349 in the case of Shri M. Ramanathan versus Social Welfare Dept. dated 27.01.2015, it was directed to the concerned department to disclose the information to the applicant as there was no reply from the PIO and also no order was passed by the First Appellate Authority. The following observations had been made in the aforementioned CIC decision:

"In file nos. CIC/SS/A/2014/000013-YA and CIC/YA/A/2014/000349, the PIO/ Director, @/o Directorate of Social Welfare, Puducherry is directed to furnish information to the appellant in response to his RTI applications dated 30.07.2013 & 13.09.2013, within three weeks of receipt of this order, under intimation to the Commission. The information shall be provided as is available on record and as per the provisions of the RTI Act. Secretary to Government (Welfare - Social

*Moumita Mallik*

Welfare), Puducherry is directed to take note that the PIO and the FAA have not dealt with the above RTI applications at all. This is for information and necessary action as deemed fit. Show cause notice is issued to the present PIO/Director, O/o Directorate of Social Welfare, Puducherry for not providing information to the appellant within prescribed time. He is further directed to send a copy of this order to the erstwhile PIO/Director, O/o Directorate of Social Welfare, Puducherry, who did not provide information to the appellant within prescribed time in response to the RTI applications."

7. In the matter titled Pankaj Bansal vs CPIO, Railway Board bearing no. CIC/ECI/A/2016/000546-AB, the Central Information Commission has observed that:  
"On perusal of the case record, it was seen that there is no reply from the public authority concerned. The cryptic remarks of the CPIO "that the matter referred to ESO/CRB" has no meaning under the provisions of the RTI Act. There is no proof that the said RTI application was transferred u/s 6(a) of the RTI Act. In the absence of such documentary evidence, it was concluded that it is a straight case of non-compliance of the RTI Act on the part of the CPIO concerned. The Commission notes that the appellant's RTI applications had not been handled properly and even the first appeal had not been disposed of due to which he had not received complete and timely information. For the detriment caused he deserves to be compensated, therefore in exercise of the powers vested in the Commission under section 19(8)(b) of the RTI Act, the Commission directs the department to compensate the appellant by an amount of Rs.5000/- for the inconvenience and detriment caused to him."

In the above mentioned order passed by the CIC on 22.05.2017, it has been clearly observed that in cases where no response has been provided by the PIO and FAA, it is an act of gross negligence on the part of the concerned officers towards the implementation of the RTI Act.

8. Furthermore, in terms of the above mentioned order, in the present case, the PIO is liable to provide the information sought by the applicant/appellant, free of cost and complete in all respects.

9. As the application of the applicant/appellant has not been handled properly and even the first appeal has not been disposed off accordingly, the concerned PIO is liable to face penal action. The applicant has suffered detriment, mental agony and harassment for not receiving timely and complete information and deserves to be compensated u/s 19(8)(b) of the RTI Act.

*Moumita Mallik*

**Prayers or Relief Sought:**

I appeal to you to kindly direct the concerned PIO to provide the correct and relevant information to the undersigned at the earliest, that is complete in all respects. I also humbly appeal to the Hon'ble Commission to levy penal/punitive action against the concerned officer for failing to provide a timely response and compensating the undersigned/appellant for the detriment caused for the reasons mentioned in the appeal above. The Hon'ble Commission may also pass any other or further orders in the interest of justice.

**Verification:**

I, Moumita Mallick hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with this commission nor is pending with any Court or tribunal or authority.

Yours sincerely

*Moumita Mallick*

Moumita Mallick

**Enclosures:**

Annexure 1 - Copy of the original RTI Application.

Annexure 2 - Copy of the original First Appeal Application.

Copy To,  
The Public Information Officer  
The West Bengal Central School Service Commission,  
EE Block, Sector II,

*Moumita Mallick*

Salt Lake City, Bidhannagar,  
West Bengal 700091

*Moumita Mallick*

# Invoice

Charitra Chanda Trust  
Kibbutz #22/a, 2nd floor  
Tal Meir Road, 1st Stage, Dohar Layout  
Hangaigraha Karnataka - 560071  
GST Tax No. 29AAEFG0000N121

Charitra Chanda Trust

Kibbutz #22/a

Tal Meir Road

1st Stage, Dohar Layout

Hangaigraha Karnataka

560071

GST No.

Invoice Number: 1225667

Date: October 10th 2023

PRODUCT	QTY	PRICE	AMOUNT
SA App No: 1225667	1	Rs.999	Rs.999

GST (18%): 179.82

**Total: Rs.1179**

THIS IS A COMPUTER GENERATED INVOICE AND DOES NOT REQUIRE SIGNATURE



# **The Right to Information Act, 2005**

## **First Appeal for State Government**

I.D No \_\_\_\_\_ Date: \_\_\_\_\_ [For office use]

To,

The First Appellate Authority under RTI Act

The West Bengal Central School Service Commission,  
EE Block, Sector II,  
Salt Lake City, Bidhannagar,  
West Bengal 700091

Sir,

As I am aggrieved by no decision of State Public Information Officer, I hereby file this appeal for your kind decision.

### **1. Details of appellant**

1.1 Full Name: Moumita Mallick

1.2 Full Address:

3137 Laguna Street 94102

1.3 Phone/Cell No: 9474813525

1.4 Email ID: moumitamallick383@gmail.com

### **2. Details of State Public Information Officer (SPIO)**

2.1 Name/Designation: Public Information Officer

## 2.2 Full Address:

The West Bengal Central School Service Commission,  
EE Block, Sector II,  
Salt Lake City, Bidhannagar,  
West Bengal 700091

## 3. Details of RTI application to SPIO

Date of Application: Saturday, October 14th 2023

Mailed on : 14/10/2023 by Registered Post No.: ED507886835IN

Date of receipt by SPIO: 19/10/2023

## 4. Particulars of payment of filing fee:

Paid Rs.10/- by bank draft/pay slip/IPO No: By Court Fee Stamp

## 5. Details of information sought:

Please provide the following information under section 2(f) and 2(j) of the RTI act:

1) The details of the vacancy in the Post of Assistant Teacher in English, Post from which Mitali Roy, A.T. retired from the service on 31.3.2023. from Bankura Hindu High School, Bankura Municipality, P. O. and Dist. - Bankura, Pin-722101, West Bengal.

2) As per the records, whether the vacancy is in Normal Section Or in H.S. Section.

3) The details of the conversion of Post (from H.S to Normal OR from Normal to H.S.) taken place in this regard.

4) The nature of vacancy... Permanent or additional.

5) Post sanctioning Memo No. with date.

## **6. Particulars of Decision of SPIO:**

No response received

## **7. Brief facts of the case:**

The details of the vacancy in the Post of Assistant Teacher in English, Post from which Mitali Roy, A.T. retired from the service on 31.3.2023. from Bankura Hindu High School, Bankura Municipality, P. O. and Dist. - Bankura, Pin-722101, West Bengal.

The copy of the RTI application has been attached herewith as Annexure 1.

## **8. Reasons/grounds for this appeal:**

1. As there was no reply from the Public Information Officer, to the RTI application dated 16/10/2023 within 30 days, an appeal is preferred before the First Appellate Authority under the Section 19 (1) of the Right to Information Act, 2005.
2. Under the RTI Act, 2005, a PIO is obliged to provide access to information to a citizen unless as stipulated by Section 7 (1), furnishing of such information is covered by one of the exemptions provided under Section 8 or Section 9 of the RTI Act.
3. The PIO has failed to discharge its duties and obligations and has adopted a lackadaisical approach towards dealing with the RTI application by not responding within 30 days of the application.
4. The PIO has failed to inform the applicant as to why this information has not been disclosed to the applicant and its reasons thereof. Section 4 (1) (d) of the RTI Act clearly lays down that every public authority shall have to disclose the reasons for its decisions to the affected persons.
5. It is obligatory upon the PIO to disclose the information as requested by the applicant. The request of the applicant squarely falls within the definition of right

to information under Section 2 (j) of RTI Act read with Section 2 (f) and 2 (i) relating to the definition of information and record. The applicant in his RTI application has clearly enumerated the information which he desires and there is no ground whatsoever for the PIO to not to provide him the complete information.

**9 Any other information in support of appeal:**

No

**10 Prayer/relief sought for:**

The PIO may be directed to furnish information requested in the RTI application as available in the files/records and made available to the applicant.

**11. Personal Presence at hearing: NO**

**12. Enclosures:**

Photocopies of original RTI application with its enclosures, postal proof of mailing

**13. Declaration:**

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with any information commission nor is pending with any Court or tribunal or authority.

Signature of appellant

*M. S. S. S.*

Wednesday, December 6th 2023

1225667

**The Right to Information Act 2005**  
**Application for obtaining information**

**From**

Moumita Mallick  
UJJAYINI,  
A. J. C. BOSE LANE,  
CHRISTIANDANGA BYPASS ROAD,  
BANKURA MUNICIPALITY,  
P. O.+DIST.- BANKURA,  
W. B.  
Pincode: 722101

**To**

The Public Information Officer  
The West Bengal Central School Service Commission,  
EE Block, Sector II,  
Salt Lake City, Bidhannagar,  
West Bengal 700091

**SUB : The vacancy in the Post of Assistant Teacher in English, Post from which Mitali Roy, A.T. retired from the service on 31.3.2023. from Bankura Hindu High School, Bankura Municipality, P. O. and Dist. - Bankura, Pin-722101, West Bengal.**

Dear Public Information Officer:

Under the Right to Information Act 2005, Section 6, I need some information. The details of the information are as follows

**1. Details of the applicant**

Name: Moumita Mallick  
Email: moumitamallick383@gmail.com

Address: UJJAYINI, A. J. C. BOSE LANE, CHRISTIANDANGA BYPASS ROAD, BANKURA MUNICIPALITY, P. O.+DIST.- BANKURA, W. B. Pincode: 722101  
Phone: 9474813525

## **2. Period to which the information relates: 2023**

## **3. Details of Information**

Please provide the following information under section 2(f) and 2(j) of the RTI act:

1) The details of the vacancy in the Post of Assistant Teacher in English, Post from which Mitali Roy, A.T. retired from the service on 31.3.2023. from Bankura Hindu High School, Bankura Municipality, P. O. and Dist. - Bankura, Pin-722101, West Bengal.

2) As per the records, whether the vacancy is in Normal Section Or in H.S. Section.

3) The details of the conversion of Post (from H.S to Normal OR from Normal to H.S.) taken place in this regard.

4) The nature of vacancy... Permanent or additional.

5) Post sanctioning Memo No. with date.

## **4. Application fee details**

Encl. Application Fee of Rs 10/- By Court Fee Stamp

## **5. Below Items are for your kind information and consideration**

a. As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority,I request the PIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.

b. As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.

c. As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, I request the PIO to

inform me of the particulars of First Appellate Authority.

**6. Declaration**

I declare that I am a citizen of India.

Yours faithfully,

*Neeraj*

Friday, October 13th 2023

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**HEARING ON 16-03-2026**

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**State Chief Information Commissioner West Bengal** < scic-wb@nic.in >

Fri, 20 Feb 2026 3:18:20 PM +0530

To "West Bengal Central School Service Commission"<wbssccentral@gmail.com>

Cc "moumitamallick383"<moumitamallick383@gmail.com>

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Please find the attachment, for further details visit our website

West Bengal Information Commission

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**1 Attachment(s)**

WBIC-RTI-A-100219-591-2024...

17 KB