

1417/CA)
05/06/20

W.B.
✓ Appeal before ~~State~~ Information Commission

Under Right to Information Act, 2005

Appeal No. _____ Dated 21.02.2020

Being aggrieved by no decision of the First Appellate Authority, I hereby file this appeal for your kind decision.

1. Details of appellant:

Krishnendu Bera
of 280, Gopal Lal Thakur Road, 2nd Floor, Kolkata- 700036.
Mob : 9804470595
Email ID: krishnendubera87@gmail.com

2. Details of State Public Information Officer (SPIO):

The Secretary & Controller of Examinations,
The West Bengal Health Recruitment Board,
Benfish Tower, 1st & 2nd Floor,
GN-31, Sector- V, Salt Lake,
Kolkata- 700091.

3. Details of First Appellate Authority [FAA]:

The Chairman,
The West Bengal Health Recruitment Board,
Benfish Tower, 1st & 2nd Floor,
GN-31, Sector- V, Salt Lake,
Kolkata- 700091.

4. Dates of RTI application/first appeal:

4.1 To SPIO: 02.08.2019

4.2 To FAA: 06.09.2019

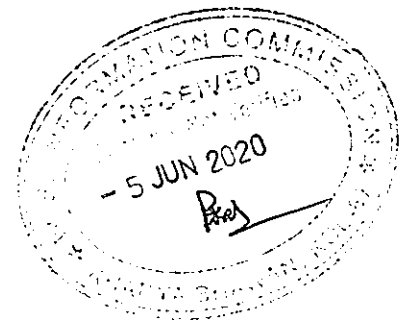
5. Particulars of Decisions:

The SPIO by letter dated 26th August, 2019 replied to the query no. 1. But with regard to query no. 2 & 3 replied in accordance with the provision of Section 8 (1) (j) of the Right to Information Act, 2005 cannot produce the documents without the order of the Chairman, WBHRB and requested to apply before the Chairman, WBHRB for the same, for which Secretary is ready to hand over with requisite fees.

6. Dates of receipt of replies by appellant from:

6.1 SPIO: Reply dated 26.08.2019 vide Memo no. 1162/WBHRB/R-42/2018.

6.2 FAA: Till date no reply.



A
Recruitment priority

Krishnendu Bera

7. Details of information sought:

1. Kindly inform how many candidates were called for in the interview for the appointment of Senior Ayurvedic Medical Officers in 98 nos. of posts and how many candidates appeared in the interview in respect of the Advertisement no. R/Sr.Ayur.MO/55(1)/2018.
2. Kindly produce the Distribution of marks for the recruitment to the post of Senior Ayurvedic Medical Officer as per Advertisement no. R/Sr.Ayur.MO/55(1)/2018 in the tabulation sheet for each candidate who appeared in the interview process.
3. Kindly furnish the entire merit list of 843 candidates in respect of the selection of Senior Ayurvedic Medical Officer.

8. Brief facts of the case:

The applicant filed the application dated 02.08.2019 under R.T.I Act, 2005 before the Secretary & Controller of Examination, West Bengal Health Recruitment Board for obtaining certain information as stated in the column - 7 herein before. In reply to the said application the SPIO replied to the query no. 1. But in reply to the query no. 2 the SPIO informed that in accordance with the provision of Section 8(1) of the Right to Information Act, 2005 he cannot produce the documents without order of the Chairman, WBHRB. As such requested the applicant being the appellant herein to apply before the Chairman, WBHRB and informed that they are ready to hand over with requisite fees.

That accordingly the applicant applied before the Chairman, WBHRB in the form of appeal for obtaining the informations in connection with the query no. 2 & 3 on 06.09.2019. But inspite of the lapse of statutory period the Chairman till date not provided the informaitons. That by letter dated 18.11.2019 the appellant further requested to provide the informations and/or to dispose of the appeal. But inspite of the same said Appellate authority remained silent over the matter.

9. Reasons/grounds for this appeal:

- I. For That the SPIO by letter dated 02nd September, 2019 replied to the query no. 1 But with regard to the reply in connection with the query no. 2 and 3 the SPIO

Krishnendu Bera

replied that in accordance with the provision of Section 8 (1) (j) of the Right to Information Act, 2005 cannot produce the documents without the order of the Chairman, WBHRB and requested to apply before the Chairman, WBHRB for the same, for which Secretary is ready to hand over with requisite fees.

- II. For that inspite of lapse of the statutory period the Chairman not disposed of the appeal when the appellant applied before him in terms of the information supplied by the SPIO.

11. Prayer/relief sought for:

Direct the Secretary & Controller of Examinations to produce the Distribution of marks for the recruitment to the post of Senior Ayurvedic Medical Officer as per Advertisement No. R/Sr.Ayur.MO/55(1)/2018 in tabulation sheet for each candidate who appeared in the interview process and entire merit list of the candidates in respect of the selection of Senior Ayurvedic Medical Officer.

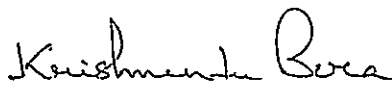
12. Personal Presence at hearing: YES

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 this commission nor is pending with any Court or tribunal or authority.

Place: Kolkata

Date: 21.02.2020.

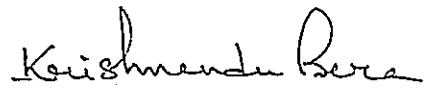

Signature of Appellant

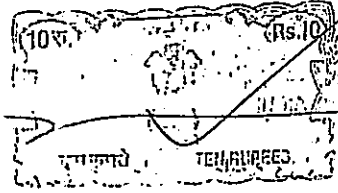
CHRONOLOGICAL CHART OF RTI APPLICATION
of Mr. Krishnendu Bera, dated 02.08.2019.

1. Action Date: 02.08.2019.
2. Application posted SPIO on: 03.08.2019.
3. Application received by SPIO on: 06.08.2019.
4. Date of decision of CPIO/SPIO: 26.08.2019.
5. First appeal posted to FAA on: 09.09.2019.
6. Date of receipt of appeal by FAA: 11.09.2019
7. Date of decision of FAA: Not received.
8. Date of reminder to FAA by appellant/complainant: 18.11.2019.
9. Date of receipt of reminder to FAA: 21.11.2019
10. Date of mailing copy of second appeal/ complaint to FAA: 25.02.2020.
15. Date of mailing Second Appeal to SPIO: 25.02.2020.

Place: Kolkata

Date: 21.02.2020


Signature of appellant/complainant



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To,
The Secretary & Controller of Examinations,
The West Bengal Health Recruitment Board,
Benfish Tower, 1st & 2nd Floor,
GN-31, Sector- V, Salt Lake,
Kolkata- 700091.

02-08-19
RTP

Sir,

I would like to have the following information under Section 3 read with Section 6 of the Right to Information Act, 2005.

Particulars of the Applicant :

Name : Krishnendu Bera, Advocate, High Court, Calcutta

Address : 280, Gopal Lal Thakur Road, 2nd Floor,
Baranagar, Kolkata- 700036.

Email : krishnendubera87@gmail.com / Mob: 9804470595.

Information sought for :

1. Kindly inform how many candidates were called for in the interview for the appointment of Senior Ayurvedic Medical Officers in 98 nos. of posts and how many candidates appeared in the interview in respect of the Advertisement no. R/Sr.Ayur.MO/55(1)/2018.
2. Kindly produce the Distribution of marks for the recruitment to the post of Senior Ayurvedic Medical Officer as per Advertisement no. R/Sr.Ayur.MO/55(1)/2018 in the tabulation sheet for each candidate who appeared in the interview process.
3. Kindly furnish the entire merit list of 843 candidates in respect of the selection of Senior Ayurvedic Medical Officer.

Kindly make it convenient to furnish the information as sought for within the statutory period of limitation. The application is properly stamped and the applicant undertakes to deposit the required amount of fees on receipt of information.

Yours faithfully,

Dated : 02nd August, 2019.

Krishnendu Bera
Advocate.

8/21/2019

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* Consignment Number

EW271444612IN

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Date	Time	Office	Event
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05/08/2019	11:45:29	Sech Bhawan SO	Item Received
04/08/2019	02:35:47	KOL AP NSH	Item Bagged
03/08/2019	22:35:59	KOL AP NSH	Item Received

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२७ अगस्त २०१९ ई.
 (कलकत्ता डाकघर)
 (कलकत्ता ७००००१)
 डाकघर कोड: ७००००१
 डाकघर नाम: कलकत्ता
 डाकघर प्रकार: डाकघर
 डाकघर स्थिति: सक्रिय
 डाकघर मालिक: डाकघर
 डाकघर संचालक: डाकघर

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Government of West Bengal
West Bengal Health Recruitment Board
Benfish Tower, 1st Floor, GN-31, Sector-V
Salt Lake City, Kolkata- 700 091

No. 1162/WBHRB/R-42/2018

Dated, Kolkata, the 26th August, 2019

From : The Secretary and Controller of Examinations,
West Bengal Health Recruitment Board.

To : ✓ SRI KRISHNENDU BERA, LD. ADVOCATE,
280, Gopal Lai Thakur Road,
2nd Floor, Flat-A & B, Baranagar, Kol.- 700 036


Sub : Seeking information under section 3 read with Section 6 of the Rights to Information Act, 2005 on the basis of preparation of merit list relating to recruitment of Sr. Ayurvedic Medical Officer with regard to Advertisement No. R/Sr.Ayur.MO/55(I)/2018, dated 9th October, 2018 -reply thereof.

Ref.: Your letter NIL, dated, 02.8.2019 received on 06.8.2019

Sir,

In view of your application, relating to the subject as stated above, I would like to furnish necessary point wise reply against the queries as follows:

1. 842(eight hundred and forty-two) candidates were called for in the documents verification cum interview in connection with the selection process to the post of Sr. Ayurvedic Medical Officer under the Department of Health and Family Welfare vide Advertisement No.R/Sr.Ayur.MO/55(I)/2018, dated 9th October, 2018 and total 732 (seven hundred and thirty-two) candidates appeared for documents verification cum interview;
2. West Bengal Health Recruitment Board is not a statutory Board. It is a set up of the Health & Family Welfare Department, Government of West Bengal. The Board is not an Appointing authority. It is only the recommending Body. Appointment is done by the Department only, being the appropriate authority. The Board acts only after receiving vacancies along with Recruitment Rules, conducts interview, prepares list of recommendation and sends confidentially to the Department, being the Appointing Authority. Being a set up of the Health & Family Welfare Department, it acts under the direct control of the Department. Alike Public Service Commission/Other Boards, WBHRB is not a statutory Board. Unless other wise directed by the Authority, we can not share such information relating to personal information, the disclosure of which has no relationship to any public authority or interest and disclosure of which would cause unwarranted invasion of the privacy of the individual. So, in accordance with the provision of Section 8 (1) (j) of the Right to Information Act, 2005, we can not produce the documents without the order of the Chairman, WBHRB. You are requested to apply before the Chairman, WBHRB for the same. We are ready to hand it over with requisite fees
3. Same as reply no. 2.


Secretary and Controller of Examinations,
West Bengal Health Recruitment Board.

To,

The Chairman,
The West Bengal Health Recruitment Board,
Benfish Tower, 1st & 2nd Floor,
GN-31, Sector- V, Salt Lake,
Kolkata- 700091.

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1. Particulars of the Applicant:

Name : Krishnendu Bera,
Advocate, High Court, Calcutta.

2. Address : 280, Gopal Lal Thakur Road,
2nd Floor, Baranagar, Kolkata- 700036.

3. Particulars of the Authorised person from whom information sought for :

The Secretary & Controller of Examinations,
The West Bengal Health Recruitment Board,
Benfish Tower, 1st & 2nd Floor,
GN-31, Sector- V, Salt Lake,
Kolkata- 700091.

4. Date of submission of Application in Form-A : 02.08.2019;

5. Date on which 30 days from submission of Form-A is over :

02.09.2019;

6. Reasons for Appeal :

Non Production of the Distribution of marks for the recruitment to the post of Senior Ayurvedic Medical Officer as per Advertisement no. R/Sr.Ayur.MO/55(1)/2018 in the tabulation sheet for each candidate who appeared in the interview process and entire merit list of the candidates in respect of the selection of Senior Ayurvedic Medical Officer.

(a) GROUNDS FOR APPEAL:

I. For That the appellant filed an application before The Joint Secretary & SPIO under Section 3 read with Section 6 of the Right to Information Act, 2005 seeking following informations:-

1. Kindly inform how many candidates were called for in the interview for the appointment of Senior Ayurvedic Medical Officers in 98 nos. of posts and how many candidates appeared in the interview in respect of the Advertisement no. R/Sr.Ayur.MO/55(1)/2018.

2. Kindly produce the Distribution of marks for the recruitment to the post of Senior Ayurvedic Medical Officer as per Advertisement no. R/Sr.Ayur.MO/55(1)/2018 in the tabulation sheet for each candidate who appeared in the interview process.

3. Kindly furnish the entire merit list of 843 candidates in respect of the selection of Senior Ayurvedic Medical Officer.

Copy of the said application dated 02.08.2019 alongwith postal track report are annexed herewith and marked with the letter-A to this Appeal.

II. For That the SPIO by letter dated 26th August, 2019 replied to the query no. 1. But with regard to query no. 2 & 3 replied in accordance with the provision of Section 8 (1) (j) of the Right to Information Act, 2005 cannot produce the documents without the order of the Chairman, WBHRB and requested to apply before the Chairman, WBHRB for the same, for which Secretary is ready to hand over with requisite fees.

In the premises it is therefore requested that the Appellate Authority will be pleased to:

(i) Direct the Secretary & Controller of Examinations, to produce the Distribution of marks for the recruitment to the post of Senior Ayurvedic Medical Officer as per Advertisement no. R/Sr.Ayur.MO/55(1)/2018 in the tabulation sheet for each candidate who appeared in the interview process and entire merit list of the candidates in respect of the selection of Senior Ayurvedic Medical Officer.

(ii) Penalty and/or Punishment or to pass any order/further order as is deemed fit and proper.

(iii) Costs and consequences thereof.

Dated : 06th September, 2019.

Yours faithfully,

Krishnendu Bera
Advocate

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EW437327660IN

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivered On
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Event Details For : EW437327660IN

Current Status : Item Delivery Confirmed

Current Status : Item Delivery Confirmed			
Date	Time	Office	Event
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09/09/2019	19:19:05	Kolkata RMS Mails TMO	Item Dispatched
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09/09/2019	15:42:50	Treasury Building SO	Item Bagged
09/09/2019	14:28:46	Treasury Building SO	Item Booked

More Information >>

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EW33752766011 142-6987-9373760
SP TREASURY BUILDING 93 470001
Counter 1425, 697072019, 14-26
To: THE CHIEF OF THE H B 142014
PIN: 700001. Sach Bhawan S.O
From: BETA, KOLKATA
Wt: 36gms
Val: 17.70 (Cash) Val: 2.70

Tenders India
Related sites

Krishnendu Bera
Advocate
HIGH COURT CALCUTTA.

Ph. 2546-8678 (Residence)
98044 70595 (Mobile)
Chamber : C/o. K.K. Bera, Advocate
7, Old Post Office Street, 1st Floor,
Room No. 14, Kolkata- 700 001.
Residence : 280, Gopal Lal Thakur Road
2nd Floor, Flat A & B,
Baranagar, Kolkata- 700036
E-mail : krishnendubera87@gmail.com

Date : 18.11.2019

To,
The Chairman,
The West Bengal Health Recruitment Board,
Benfish Tower, 1st & 2nd Floor,
Kolkata -700091.

Re. : Reminder to my Appeal petition dated 06.09.2019
under Right to Information Act, 2005.

Sir,

This is to inform you that I preferred an appeal petition dated 06.09.2019 before you under Right to Information Act, 2005 against the reply of the Secretary and Controller of Examination, W.B.H.R.B dated 26th August, 2019 in connection of my R.T.I application dated 06.08.2019.

But inspite of receiving the said appeal on 11.09.2019 you have not yet disposed of the said appeal within the stipulated period of 45 days upon furnishing the informations as sought for in the R.T.I application dated 06.08.2019. In the premises aforesaid I therefore once again requesting you to provide informations within a period of fortnight with regard to my R.T.I application directing the Secretary and Controller of Examination, W.B.H.R.B as the said Secretary and Controller of Examination, W.B.H.R.B in his reply dated 26th August, 2019 stated that he is ready to handover with requisite fees upon direction from your end, otherwise I shall have no other alternative but to take necessary legal steps against you without making any further reference.

Thanking you,

Yours faithfully,

Krishnendu Bera

Advocate.

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
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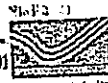
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https://www.indiapost.gov.in/_layout

EW014890179IN NR:69270148901
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 To:THE CHAIRMAN,POST OFFICE
 PIN:700091, Sech Bhawan S.O
 From:KOLAPNSH, 240 COPY LAL TH
 VL:20gme
 Amt:17.70(Cash)Tax:2.70
 Track on www.indiapost.gov.in



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EW382958960IN

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Article Type	Delivery Location	Delivery Confirmed On
Inland Speed Post	Sech Bhawan SO	26/02/2020 19:30:38

Event Details For : EW382958960IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
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26/02/2020	11:00:44	Sech Bhawan SO	Out for Delivery
26/02/2020	08:49:37	Sech Bhawan SO	Item Received
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25/02/2020	23:36:45	KOL AP NSH	Item Bagged
25/02/2020	21:34:17	KOL AP NSH	Item Received
25/02/2020	13:36:12	Baranagar SO	Item Booked

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 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 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26/02/2020	08:49:37	Sech Bhawan SO	Item Received
26/02/2020	01:50:37	KOL AP TMO	Item Dispatched
26/02/2020	01:47:40	KOL AP TMO	Item Received
25/02/2020	23:36:45	KOL AP NSH	Item Bagged
25/02/2020	21:34:17	KOL AP NSH	Item Received
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