



2025:AHJ-1 KO:BS 101-101

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 11464 of 2025

Birendra Yadav

.....Petitioner(s)

Versus

Chief Information Commissioner Thru. Secy.
Vibhuti Khand Nagar Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vijay Pratap Singh
Counsel for Respondent(s)	:	Shikhar Anand

Court No. - 2

**HON'BLE MRS. SANGEETA CHANDRA, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard learned Counsel for the petitioner and Sri Shikhar Anand, learned Counsel appearing on behalf of the respondent nos.1 & 2.

2. This petition has been filed with the following main prayer:-

"Issue a writ, order or direction in the nature of certiorari for quashing impugned Order dated 16.09.2025 passed by respondent no.-1, in Appeal No.-S-11-A-040/2025, (Sri Dinesh Kumar Maurya Vs Public Information Officer, Office General Manager U.P. Co-operative Bank Ltd. Lucknow) contained as Annexure no.-1 to this writ petition."

3. Learned Counsel for the respondent no.1 has raised a preliminary objection regarding the incorrect description of respondent no.1 in the array of the respondents. He says that the Chief Information Commissioner is not hearing the matter, it is the State Information Commissioner. The Chief Information Commissioner is only one of the official respondent.

4. Learned Counsel for the petitioner is directed to correct the description of the respondent no.1 during the course of the day.

5. It has been submitted by the learned counsel for the petitioner that the respondent nos. 3 and 4, namely, Sumit Awasthi and Dinesh Maurya, have submitted an application under Section 6 of the Right to Information Act before the Public Information Officer, U.P. Cooperative Bank Ltd. on 05.01.2025 seeking information that the applicants, who were appointed on 26.02.2016 as Assistant Manager, Computer, after regular selection, should be given a copy of information available with regard to the constitution of Special Investigation Team for investigation of recruitment for the year 2012-2017.

6. It has been submitted that after the constitution of Special Investigation Team for investigation, the investigation report was prepared in the year 2024 and, on the basis thereof, charge sheet has been submitted to the Trial Court for prosecution of persons found involved in the scam relating to the recruitment.

7. On receiving the application under Section 6, the DGM, Administration, wrote a letter to the Public Information Officer for providing information, which was sought by respondent nos.3 and 4, but at the same time it also stated that such information cannot be provided due to provision in Rule 4(2)(b)(6) of the Right to Information Act, as amended in 2019.

8. The respondent nos. 3 and 4 thereafter filed First Appeal. The First Appeal was also decided on 12.06.2025 stating clearly that the information that has been sought cannot be given under Section 8 of the R.T.I. Act as it relate to the prosecution.

9. After this order was passed on 12.06.2025, the respondent nos.3 & 4 filed an Appeal before the State Information Commissioner registered as Appeal No.S-11-A-047/2025 : *Dinesh Maurya Vs. Information Officer, U.P. Cooperative Bank Lucknow.*

10. The Appeal was entertained and notice was issued to the petitioner on 17.06.2025. A detailed objection was thereafter filed on the next date fixed i.e. on 16.09.2025. On 16.09.2025, the counsel for the petitioner also informed the Commission orally about the filing of the charge sheet after S.I.T. had completed the investigation in the matter. However, the

respondent no.1, ignoring such arguments, has directed giving of the information within 15 days or else order under Section 20(1) of the Act will be passed and penalty of Rs.25,000/- shall be imposed.

11. Sri Shikhar Anand, learned Counsel for the respondent, has stated that the order dated 16.09.2025 is interlocutory in nature and the Information Commission had fixed the matter for 25.11.2025. The petitioner has not indicated as to what happened on 25.11.2025.

12. Learned Counsel for the petitioner has stated that on 25.11.2025, the matter could not be taken up on merits and the next date fixed in the matter is 31.12.2025.

13. We have gone through the objections filed by the petitioner before the Information Commission praying for recall of the order dated 17.06.2025 by which the Appeal was admitted.

14. There is a specific reference therein of Section 8(1)(h), which relates to the information that may impede the process of investigation or apprehension or prosecution of offenders.

15. We find from the same that after the S.I.T. was constituted as a result of Government Order dated 27.04.2018, it has submitted its report to the Secretary, Home, Government of U.P. and the Home Department has sent a copy of the S.I.T. report of the U.P. Cooperative Bank.

16. Learned Counsel for the petitioner has pointed out that in pursuance of such investigation report having been submitted, F.I.R. in Case Crime No.13 of 2020 under Sections 420, 467, 468, 471 and 120 B of the I.P.C. was lodged in Police Station S.I.T. U.P., and trial is under progress before the Trial Court.

17. Learned Counsel representing the State Information Commissioner has argued that if investigation is complete, charge sheet has been filed, cognizance has been taken and the trial is going on in the Trial Court, there would be no impediment in giving information as it cannot now be treated as confidential or in any way impeding the investigation of Trial.

18. This Court is not convinced with the arguments because Section

8(1)(h) clearly says that any information which would impede not only the process of investigation or apprehension, but also the prosecution of offenders.

19. This petition is ***disposed of*** with a direction to the respondent no.5 to pass an appropriate orders taking into account the objections raised by the petitioner on the next date fixed i.e. 31.12.2025. Till such order is passed by the respondent no.5, the order impugned shall remain in abeyance.

(Amitabh Kumar Rai,J.) (Mrs. Sangeeta Chandra,J.)

December 18, 2025

Rahul