

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3051 of 2014

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Sanjay Kumar son of Sri Surendra Prasad, resident of Village Sirsa, P.S.-
Muffasil Motihari, Dist.-East Champaran

.... Petitioner/s

Versus

1. State Information Commission, fourth Floor, Suchana Bhavan, Bailey Road, Patna through its Registrar
2. The State Chief Information Commissioner, State Information Commission, Fourth Floor, Suchana Bhavan, Bailey Road, Patna
3. The Registrar, State Information Commission, Fourth Floor, Suchana Bhavan, Bailey Road, Patna
4. The Joint Secretary-cum-Additional Registrar, State Information Commission, Fourth Floor, Suchana Bhavan, Bailey Road, Patna
5. The First Appellate Authority-cum-Chief Medical Officer-cum-Civil Surgeon, Motihari, Dist-East Champaran
6. The Public Information Officer-cum-Additional Chief Medical Officer, Motihari, Dist.-East Champaran

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh,

For the State : Mrs. Jahan Ara, A.C. to AAG-V

For the Respondent nos. 1 to 4 : Ms. Binita Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 07-01-2015 The petitioner has prayed for a writ in the nature of mandamus commanding the respondents to provide to the petitioner the information sought by him under the provisions of Right to Information Act, 2005.

Mr. V.R.P. Singh, learned counsel appearing on behalf of the petitioner and Ms. Binita Singh for the State Information Commission have been heard.

The order impugned manifests that the request of the



petitioner for information could not be provided as the relevant documents available in the office of the Chief Medical Officer-cum-Public Information Officer had got burnt in a fire started by a mob protesting against the anti reservation policy. Thus it is on account of non availability of the information sought by the petitioner, in the office of the Additional Chief Medical Officer, Motihari-cum-Public Information Officer relatable to the appointment of one Naresh Kumar, a Clerk in the office of the Civil Surgeon that the same could not be provided to him.

The provisions of Section 2(f) of the Right to Information Act, 2005 defines 'information' and manifests that it is such of the information which is accessible to a public authority, which would constitute an 'information' and not the information which is either not available or is required to be procured. Since the relevant information has been reportedly burnt in the violence and arson hence it was not made available to the petitioner and which fact has been accepted by the State Information Commissioner while passing the order impugned dated 5.3.2012 disposing of Case No. 43885 of 2010-11 filed by petitioner and which has been questioned in the present proceedings.

Mr. Singh learned counsel for the petitioner, in the circumstances prays for disposal of the writ petition to enable the

petitioner to take recourse to such other remedy that may be available to him in law for procuring the information.

Considering the circumstances existing and the submissions of learned counsel, the writ petition is disposed of.

(Jyoti Saran, J)

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