

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19854 of 2013

=====

Maresh Prasad S/O Late Kapildeo Prasad Resident Of Village- Kukundi, P.S-  
Goh, District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. Deputy Secretary cum Public Information Officer, Chief Minister Office, Bihar, Patna.
3. Secretary, Cum First Appellate Authority, Chief Minister Secretariat, Bihar, Patna.
4. Joint Secretary, Chief Minister Secretariat, Bihar, Patna.
5. State Information Commissioner, Bihar, Patna.
6. Joint Secretary cum Additional Registrar, Secretariat, Bihar, Patna.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. BACHAN JEE OJHA  
For the Respondent/s : Mr. MADHURESH PRASAD

=====

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL JUDGMENT**  
**Date: 24-06-2016**

Heard Mr. Bachan Jee Ojha for the petitioner and the counsel for the State.

Certain developmental works were undertaken in the area including the construction of the school building. The Headmaster of the school was the executing Agency insofar as the school building is/was concerned. The villagers found several irregularities in execution of the developmental project/work. A public complaint was made before the government. Subsequently, the petitioner sought information under the Right to Information Act. The same was not made available to him by the Public Information Officer. Aggrieved by the non supply of the information, an appeal was preferred. The same got disposal by the first appellate authority vide order dated 20<sup>th</sup> October, 2011 (Annexure-6). Dissatisfied therewith, a second appeal was preferred before

the State Information Commission (for short 'the Commission'). A proceeding was registered by the Commission vide Case No. 62591 of 2011-12. After affording hearing, the appeal was disposed of by order dated 16.04.2012 (Annexure-9) whereby the petitioner was permitted to seek relevant information from the Human Resources Department, Govt. of Bihar where all the information were lying. Aforesaid order is under challenge in the writ petition.

Mr. Ojha submits that the order is defective. Even the appellate authority directed for making available certain information to the petitioner while disposing of his appeal which was not complied with. The petitioner would be running from pillar to post to get the information sought by him.

The counsel for the State, however, opposed the application stating that the order was passed in March, 2012 and instead of filing an application seeking relevant information from the concerned department the petitioner waited for more than one and a half years and filed the writ petition. It is stated that if any such application for seeking information is filed in the concerned department as per the order of the appellate Authority (Annexure-A), the relevant information shall be furnished to him.

On a perusal of the materials on record, this Court finds difficulty in interfering with the order passed by the second appellate authority, i.e., the Commission. The appeal was considered and disposed of after hearing the parties. The authority of the Commission or the procedure adopted in disposing of the appeal is not under question. If that be so, then the Court under extraordinary and discretionary writ jurisdiction would not interfere with the order passed by the respondent Commission. That apart, according to the order impugned, the petitioner can be supplied the relevant information from the concerned department/Ministry if an application is filed seeking the information. The

petitioner ought to have approached the concerned department for seeking relevant information under the Act.

The writ application is dismissed.

**(Kishore Kumar Mandal, J)**

HR/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|