

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5318 OF 2015

Rahul S/o Chandrabhan Bharti .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. J. Dhage, Advocate for the Petitioner.

Shri S. N. Morampalle, A.G.P. for Respondent Nos. 1 and 2.

Shri P. V. Barde, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 20TH JANUARY, 2016.

PER COURT :

. Mr. Dhage, the learned counsel submits that, the petitioner has sought for the information from the respondent No. 4. The same is not provided on the ground that Writ Petition No. 5174 of 2006 is pending wherein the order dated 10th April, 2007 is passed granting stay to the proceedings initiated by the respondent No. 3. The learned counsel submits that, the petitioner has not asked information from the Sanstha but from the respondent No. 4 / School, which is receiving the grant in aid from the Government. The information is with regard to the appointments made. As the Education Officer did not decide the appeal, the petitioner filed subsequent appeal to the State

Information Commissioner, however, the same is also not decided from November, 2014.

2. Mr. Barde, the learned counsel for the respondent No. 4 submits that, the Right to Information Act is not applicable to the respondents.

3. As the appeal is pending before the State Information Commissioner, we are not dilating on the merits of the matter. The State Information Commissioner is competent to decide the said appeal on its own merits. The petitioner may put forth his grievance about the grant in aid received by the respondent No. 4 from the Government. The respondent No. 4 also would be entitled to put forth its stand. The State Information Commissioner i. e. the respondent No. 2 shall decide the appeal filed by the petitioner expeditiously and preferably within a period of six (6) months from the date of appearance of the parties. The petitioner and the respondent No. 4 shall appear before the State Information Commissioner on 05th February, 2016.

4. The writ petition accordingly is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]