

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 6 OF 2017

IN

WRIT PETITION NO.736 OF 2016

(MRS. PUSHPA W/O.DEVENDRA SOOD AND ANOTHER...VS...THE MAHARASHTRA STATE
INFORMATION COMMISSION, THROUGH STATE INFORMATION COMMISSIONER & SECOND
APPELLATE AUTHORITY, BRUHANMUMBAI AND OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Pushpa Sood Applicant - in person.

CORAM : Z.A.HAQ, J.

DATED : 18th JULY, 2017.

Heard.

By this application, the applicants (original petitioners) seek review of the judgment passed by this Court in Writ Petition No.736 of 2016 on 8th August, 2016.

The contention of the petitioners is that the applicants had approached this Court with the grievance that the documents/information sought by the applicants under the Right to Information Act, were/was not supplied and the non-applicants/respondents misled this Court by submitting that documents (35 pages) have been supplied to the applicants/petitioners, though these documents (35 pages) did not satisfy the requirement of information sought by the petitioners. The petitioner No.1, who has argued the matter in person, relying on the provisions of Section 4(1)(b) of the Right to Information Act, 2005 has submitted that it was not open to the authorities to come out with the statement

that the documents/information, other than those supplied to the petitioners on the subject, do not exist. It is submitted that Section 4(1)(b) of the Act of 2005 casts an obligation on the Public Authority to publish the details as mentioned in the provisions within the specified time as laid down. It is submitted that this Court has committed an error by not taking into consideration the provisions of Section 4(1)(b) of the Act of 2005. It is further submitted that the petitioners have specifically pointed out in paragraph No.XVI of the rejoinder filed on 5th August, 2016 that the documents (35 pages) supplied to the petitioners do not satisfy the requirement of information sought by the petitioners, however, this Court has not considered the grievance of the petitioners. Paragraph No.VII of the rejoinder filed on 5th August, 2016 is referred and it is submitted that the illegalities in the functioning of the concerned Authorities though pointed out by the petitioners, are not adverted to by this Court inasmuch as though the petitioners had specifically demanded the pages of Maharashtra Civil Services (General Conditions of Service) Rules, 1981 showing that the Director, Medical Education and Research Department is the Head of Department for Medical Education and Drugs, these documents were not supplied and similarly, though the petitioners had demanded the copies of Government Resolution/Notification/Circular declaring that the Director, Medical Education and Research Department is the Head of Department for Medical Education and Drugs Department, these documents were also not supplied.

With the assistance of petitioner No.1, I have examined the record of the petition.

The submission made on behalf of the petitioners

that grievance as made in the petition is not considered, is misdirected. The paragraph No.5 of the judgment given in Writ Petition No.736 of 2016 shows that this Court has examined the grievance of the petitioners that the documents/information sought by them are/is not supplied, in depth and showing displeasure over the ambiguity in the affidavit sworn by the respondent No.2 on 2nd August, 2016, the matter was adjourned to enable the respondent Nos.2 and 3 to file additional affidavit, accordingly, additional affidavit sworn on 5th August, 2016 was filed by the respondent Nos.2 and 3 in which a categorical statement was made that except for the documents/information supplied to the petitioners, no information was available with them on the subject and not only this, statement made on behalf of the respondent No.3 that no further information on the subject exists with the respondent Nos.2 and 3 came to be recorded.

It cannot be said that the grievance raised by the petitioners was not adverted to. I do not find any error apparent on the face of record which necessitates exercise of review jurisdiction by this Court.

The Miscellaneous Civil Application is **dismissed**.
No costs.

JUDGE

PBP