

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2785 of 2016**

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Ramjiwan Satyarthi son of Late Jagdeo Paswan, resident of Shaileshpuri Khojaimli P.O.- Anisabad, P.S.- Phulwarisharif, District- Patna at present posted as Deputy Secretary in the Department of Home Police, Govt. of Bihar, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Director Army Welfare Directorate Home Deptt., Govt. of Bihar, Patna
3. The State Chief Information Commissioner, State Information Commission, Information Building, 4th Floor Bailey Road Patna.
4. Sheo Shankar Dhar, Son of Late Amulya Kumar Dhar, resident of House No. 327A, Ground Floor, Ratan Singh Marg, Gali No. 2, Mithapur Gaon, Badarpur, New Delhi- 110044

... .. Respondent/s

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**Appearance :**

|                                       |   |                                |
|---------------------------------------|---|--------------------------------|
| For the Petitioner/s                  | : | Mr.Nikesh Kumar, Advocate      |
| For the State Information Commission: |   | Mr.Lalit Kishore, Sr. Advocate |
|                                       |   | Ms. Binita Singh, Advocate     |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 27-03-2019**

The short issue raised in the instant writ petition is that the petitioner was posted as a Public Information Officer (for short 'PIO') in between 03.07.2014 to 04.03.2015 in Military Welfare Directorate of the Home Department, Patna.

The facts lie in a very narrow compass. Some information was requisitioned on 09.04.2011. For non-supply of complete information requested by the applicant, the State Information Commission has imposed a penalty of Rs. 25,000/-



on 24.06.2015. The petitioner was a PIO in the concerned Department for a very brief period between 03.07.2014 to 04.03.2015. Subsequent upon his transfer on 04.03.2015 another PIO has assumed the charge and was representing the matter on behalf of the Directorate before the State Information Commission. In absence of the petitioner, the penalty of Rs. 25,000/- has been imposed on the petitioner.

In view of the aforesaid circumstance, this Court would remit the matter to the State Information Commissioner to afford the petitioner an opportunity of explaining the circumstances under which the requisite information could not be supplied to the applicant. The State Information Commissioner, needless to say would consider the issue afresh after hearing the concerned parties including the various Public Information Officers who have been posted in the Directorate between 11.04.2011 i.e., date of application for information till the date of the order of penalty inflicted by the State Information Commissioner i.e., 24.06.2015.

It is submitted by petitioner's counsel that in the meantime the penalty of Rs. 25,000/- has been realized from the petitioner. The realization is subject to final result in the proceedings upon remand and shall not be treated as stigma



against the petitioner till such time the issue is concluded in  
accordance with law.

Writ petition is disposed off.  
**(Madhuresh Prasad, J)**

Prakash/-

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