

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23733 of 2019

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Amrendra Kumar, Aged 51 years (Male) Son of Harinarain Singh,
Resident of Village-Mauri, P.O.-Mauri, P.S.-Khiri Mor, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The State Information Commission, through its State Chief Information Commissioner, Suchana Bhawan, 4th Floor, Bailey Road, Patna.
3. The Secretary State Information Commission, Suchana Bhawan, Bailey Road, Patna.
4. The District Magistrate, Katihar.
5. The District Treasury Officer, Katihar.
6. Rekha Devi, Wife of Naresh Mandal, Resident of Village-Sakraili, Semapur, P.S.-Barari, District-Katihar.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Ramchandra Sahni, Advocate
For the Respondents : Mr.Gyan Prakash Ojha GA17

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-11-2019

Heard the learned Advocate for the petitioner and
the State.

The petitioner has challenged the order dated
25.09.2018 contained in Memo No. 4189 by the State
Chief Information Commissioner whereby the petitioner has
been held guilty for having supplied information to the
complainant very belatedly i.e. after five years and has



imposed a fine upon him amounting to Rs.25,000/- .

Learned Advocate for the petitioner submits that though the requisition for supplying the information was made on 06.12.2013 but such information was provided to the complainant only on 05.09.2018. The State Chief Information Commissioner, while the passing the impugned order, did not at all take into account that the petitioner was posted in the concerned Department as Public Information Officer (PIO) only prior to the order being finally passed. This aspect ought to have been taken into account by the State Chief Information Commissioner before passing the order.

However, from perusal of the impugned order, it appears that there was no representation on behalf of the petitioner or his predecessor in the proceeding and therefore this fact could not be brought to the knowledge of the State Chief Information Commissioner.

Under the circumstances, this Court deems it appropriate to set aside the aforesaid order and remit the matter to the State Chief Information Commissioner, Bihar,



Patna to pass a fresh order in accordance with law after accepting the representation on behalf of the petitioner in which the petitioner shall bring on record his date of posting as PIO in the Department. Such a representation shall be made by the petitioner before the State Chief Information Commissioner within a period of three weeks from today, who shall look into the entire aspect of the matter and shall pass a reasoned order within a period of six weeks thereafter.

The writ petition stands disposed of.

(Ashutosh Kumar, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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