

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

902 WRIT PETITION NO.1703 OF 2018
WITH
CIVIL APPLICATION NO.5320/2018 IN W.P.NO.1703/2018

GOVIND NILKANTH JOSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Shivraj B. Kadu

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 28th March, 2019

PER COURT :

1. We have heard Mr. Kadu, the learned Advocate for petitioner.
2. The petitioner is seeking directions against the respondents to appoint State Information Commissioner as per section 15 (5) of the Right to Information Act, 2005, preferably from the category of judicial officer.
3. To appoint a particular person as the State Information Commissioner is prerogative of the authority as contemplated under the Right to Information Act. The Courts cannot encroach upon the prerogative of the authority to appoint a competent person as prescribed under the Statute.

4. Another prayer made by the petitioner is seeking direction to decide the representation of the petitioner. If the petitioner has filed any representation, it is for the petitioner to prosecute his representation. We are not inclined to consider the same. The representation is as vague as it could be, without disclosing any specific instances. Directions cannot be given to decide the representation, based on vague allegations. Moreover, the petitioner has no *locus standi*.

5. Writ petition is accordingly disposed of. No costs.

6. In view of disposal of the writ petition, civil application also stands disposed of.

(A. M.DHAVALA, J.)

(S.V.GANGAPURWALA, J.)

JPC