

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

WRIT PETITION NO.3558 OF 2014

Azizbhai S/o Abdul Kadir Shaikh

...PETITIONER

VERSUS

The State Public Information Officer,
Mumbai and others

...RESPONDENTS

.....
Shri S.S. Dixit, Advocate for petitioner
Shri S.N. Morampalle, A.G.P. for State
Shri D.R. Kale Patil advocate for respondent No.3
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CORAM: T.V. NALAWADE J.

DATED : 15th February, 2019.

ORAL ORDER :

1 The petition is filed to challenge the order made by the State Information Commission in respect of the proceedings filed by the present petitioner for taking action as against respondent No.3.

2 Both sides are heard.

3 The present petitioner had filed application to Information officer – respondent No.1. The petitioner sought information with regard to appointment of certified auditors for allotting works of audit of primary milk societies along with fees paid to them. The application was moved on 2.6.2011. it was sent by post. In response

there-to, vide communication dated 16.7.2011, some information was supplied and also the documents available in Mumbai were sent. With regard to remaining information, it was informed that the concerned Office at Ahemadnagar was directed to collect the information and supply to the petitioner. The information officer charged Rs.150/- as postal charges for supplying the information however, amount incurred as expenses was Rs.108/-.

4 The petitioner preferred appeal. The appellate authority gave directions that the District Officer shall supply the remaining information. The State commission has given directions to the then Information Officer to return the excess amount recovered as postal charges. On the date of decision by the State Commission, remaining information was supplied by the District Office.

5 Learned counsel for the petitioner submitted that in normal course, the information officer ought to have given complete information. Section 6 of the Right to Information Act, 2005 ought to have been followed by sending the application to the District Officer, but that was not done and so, there was non compliance of the provisions for which penalty ought to have been imposed under section 20 of the Act.

6 This Court has gone through the provisions of Sections 6 and

7 of the Act. Though there is such necessity mentioned in section 6, to transfer matter to the concerned authority, section 7 shows that the disposal of the request needs to be made within prescribed period of 30 days. It appears that the information officer sitting at Mumbai is expected to work as the Information Officer for the district Office also. But he did not attempt to collect that information. It is true that there is provision of aforesaid nature. Apparently, the person – officer sitting at Mumbai ought not to have made the Information Officer for District Office at Nagar, as the record shows that some record is required to be kept in district office for-ever and that record need not be sent to Mumbai due to which such situation has arisen and those circumstances were considered by the State commission. It is a matter of subjective satisfaction of the State Commission and due to the aforesaid circumstance, State Commission has not imposed any penalty.

This Court sees no reason to interfere with the said order of the State commission. So the petition stands dismissed.

(T.V. NALAWADE)
JUDGE