

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2145 OF 2017

Vrunda Rajaram More ... Petitioner

Versus

State Chief Information Commissioner
and anr. ... Respondents

Mr. Shaikh Masih for the Petitioner.

Mr.K.B. Dighe, AGP for the respondent State.

Mr. Rajesh Jadhav for R. No. 2.

**CORAM : B.P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : JANUARY 17, 2019

P.C.:

Petitioner, First Information Officer questions the order passed by the Second Appellate Authority on 29/7/2016. The contention is copy of the application by which information was sought, allegedly submitted on 10/01/2011, was not received by the petitioner. The second contention is petitioner being unaided educational institute, the provisions of RTI Act do not apply to it. The last contention is as per 2012 Maharashtra Rules, only one information can be asked for in one application.

2. During arguments, learned counsel clarified that the school

of the petitioner has started receiving grant-in-aid since 2009. The school is recognized by Government and also has necessary approvals. We therefore, find no substance in the contention that the provisions of RTI Act are not applicable to it.

3. Counsel for respondent no.1 has pointed out that during the hearing on 25/1/2012, the first appellate authority has given copy of the application dated 10/1/2011 to the petitioner with a direction to supply information stipulated therein within eight days. Even thereafter, information was not supplied.

4. Learned AGP appearing for respondent no. 1 and counsel for respondent no.2 also invited our attention to orders dated 9/4/2015 and further order dated 29/7/2016 passed by the State Information Commission in further appeal.

5. It appears that the petitioner was aware of having scheduled before the State Information Commission on 9/4/2015 and accordingly deputed her representative. That representative has participated in the hearing and on the very same day, the State Information Commissioner has found that the orders passed by the First Appellate Authority on 17/6/2013 were not final & therefore, gave time of 30 days to the petitioner to supply necessary information. Commissioner also prima facie found that

she has violated the mandatory provisions of RTI Act, 2005. Hence she was called upon to explain why the action under section 20(1) should not be taken against her. Her explanation was called for by 25/5/2015.

6. The order was pronounced in the presence of representative of the petitioner on 9/4/2015 only. Petitioner has not submitted any explanation thereafter. Hence, on 29/7/2016 that authority has passed further order. That order specifically observes that the petitioner did not supply necessary explanation in terms of the order dated 9/4/2015 and therefore, appropriate action in accordance with law has been taken.

7. We find that neither the order dated 29/7/2016 nor earlier order dated 9/4/2015 are questioned in the present petition. Petition is therefore, dismissed.

8. At this stage, upon request made by the counsel for the petitioner, we continue the ad interim orders granted by this court for the period of ten weeks more. Same shall cease to operate automatically thereafter.

(REVATI MOHITE DERE, J.) (B.P. DHARMADHIKARI, J.)