

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11016 OF 2018

Sathi Bashir Ahamd Bashamiya Shaikh
President, Zilla Parishad Labour Karmachari
Union, Solapur ..Petitioner

Versus

Public Information Officer,
Principal Secretary,
School Education and Sports
Department and Ors. ..Respondents

WITH

WRIT PETITION NO.11039 OF 2018

Sathi Bashir Ahamd Bashamiya Shaikh
President, Zilla Parishad Labour Karmachari
Union, Solapur ..Petitioner

Versus

Public Information Officer,
Sunil Sardar, Desk Officer,
School Education and Sports
Department and Ors. ..Respondents

WITH

WRIT PETITION NO.11049 OF 2018

Sathi Bashir Ahamd Bashamiya Shaikh
President, Zilla Parishad Labour Karmachari
Union, Solapur ..Petitioner

Versus

Public Information Officer,
Deputy Secretary,
School Education and Sports
Department and Ors. ..Respondents

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Mr. Ashok B. Tajane, Advocate for the Petitioners.

Ms. Shruti Vyas, "B" Panel Counsel for the Respondent - State.

**CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : 27th AUGUST, 2021**

P.C.

Heard Mr. Ashok Tajane, learned counsel for the petitioners in the three writ petitions and Ms. Shruti Vyas, learned "B" panel counsel for the respondents - State.

2. Challenge made in all the three writ petitions is to identical orders dated 11.04.2018 passed by respondent No.3 i.e. State Information Commissioner, Mumbai.

3. Petitioner had sought for certain information under the Right to Information Act, 2005 from the Public Information Officer, School Sports Department. As the information was not furnished, first appeals were filed. Those appeals were disposed of vide orders dated 01.01.2018. Aggrieved by the orders of the first appellate authority, second appeals were filed by the petitioners.

4. We have perused the impugned orders and we find that the appeals were dismissed on merit. Petitioner was late in attending the hearing and he was marked as absent.

5. Learned counsel for the petitioners submits that on that particular date the trains were running late for which he could not attend

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the hearing on time.

6. Without entering into the merit, we are of the view that it would be in the interest of justice if the petitioners as the appellants are heard by the appellate authority i.e. State Information Commissioner in accordance with law and thereafter the appeals are decided.

7. Having regard to the above, we set aside the impugned orders dated 11.04.2018 and remand the matters back to the second appellate authority for fresh decisions in accordance with law.

8. Let the petitioners appear before the second appellate authority on 08.09.2021 at 10.30 a.m.

9. All the writ petitions are accordingly disposed of.

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signed by
BALAJI
GOVINDRAO
PANCHAL
Date:
2021.08.27
14:32:00
+0530

MADHAV J. JAMDAR, J

UJJAL BHUYAN, J