

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 685/2021.

Puja d/o. Ramesh Jadhav,
Aged about 30 years, Occupation -
Service, Office – Nagar Parishad,
Kalmeshwar-Brahmni, Tahsil
Kalmeshwar, District Nagpur. ... Petitioner.

-VERSUS-

1.The State Information Commissioner,
Amravati Bench, Amravati
and another. ... Respondents.

.....
Shri A.S. Tiwari, Advocate for the Petitioner.
.....

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 3 FEBRUARY 2021.

P.C.

Heard learned Counsel for the Petitioner.

2. By this petition the Petitioner challenges the orders
passed by the State Information Commissioner dated 31 January

2019.

3. An application was made seeking information on 4 April 2016, which was not provided for within time, and therefore notices were issued to the Petitioner. Written explanation was given by the Information Officer. The information sought was regarding a misappropriation in the Department. The State Information Commissioner, in a detailed order has examined the factual position. The Commissioner considered the nature of information sought and observed that the information was not given for 1300 days. Considering these seriousness of the lapse, proceeded to observe that the Petitioner and her predecessors are guilty of the breach of the provisions of the Right to Information Act and directed that a fine of Rs.25,000/- be imposed and an enquiry be conducted.

4. The learned Counsel for the Petitioner contended that the Petitioner was not given an opportunity. The order of the Commissioner states that repeated notices were given to the Petitioner, however, no reply was filed. The contention of Petitioner is that the Petitioner was on maternity leave. During this period of maternity leave, nothing prevented the Petitioner to send the response by post. Secondly the gravity of the lapses of not giving the information for 1300 days when the stipulated period is of 30 days, has been rightly taken note by the

Commissioner.

5. It is not in dispute that the Petitioner had occupied the post of Information Officer during the relevant time when the information was not supplied. Writ Petition is not an appeal from the order of the Commissioner. Considering the totality of the circumstances and the necessity of strict compliance with the provisions of Right to information Act, we find that no case is made out for interference in writ jurisdiction.

6. Writ Petition is rejected.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

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