

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4088 of 2022

Sri Sudhansu Sekhar Patra ***Petitioner***

Mr. P. Mohapatra, Advocate

-versus-

State of Odisha and others ***Opposite Parties***

Mr. N. Jena, Advocate for Opposite Party Nos.1 & 2

Mr. B.K. Dash, Advocate for Opposite Party No.3

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

26.10.2022

Order No.

08.

1. Heard Mr. P. Mohapatra, learned counsel for the Petitioner, Mr. N. Jena, learned counsel for the Opposite Party Nos.1 and 2- Department and Mr. B.K. Dash, learned counsel for the Opposite Party No.3-Odisha Information Commission.

2. Present writ petition is directed against the impugned order dated 03.01.2022 passed by the State Information Commissioner wherein cost of Rs.25,000/- has been imposed on the Petitioner as the Public Information Officer (PIO) in the office of the Director of Secondary Education, Odisha.

3. It is seen from the impugned order that the Petitioner, namely, Sudhansu Sekhar Patra as the PIO (Nodal)-cum-Assistant Director in the office of the Director of Secondary Education, Odisha did not supply the information sought for by Ms. Aiswarya Panda and she approached the State Information Commissioner in Complaint Case No.391/2017. In the said complaint case, present Petitioner was noticed as the PIO and he did not appear for several dates. Finally, the Commissioner by

order dated 03.01.2022 imposed cost of Rs.25,000/- on the Petitioner.

4. Mr. P. Mohapatra, learned counsel submits on behalf of the Petitioner that he was relieved with the charge of PIO in the office of the Director, Secondary Education, Odisha on 6th July, 2021 as per Office Order No.18173, dated 06.07.2021 and copy of the same was intimated to the State Information Commissioner also as per Memo No.18176. Therefore, his non-appearance before the Commissioner is bonafide.

5. It is seen from Annexure-2, i.e. Officer Order No.18173, dated 06.07.2021 of the Directorate of Secondary Education, Odisha, Bhubaneswar that one Satyanarayan Rayaguru, Asst. Director (PE) was appointed as Nodal (PIO) vice the present Petitioner.

6. Mr. N. Jena, learned counsel submits on behalf of the Opposite Party Nos.1 & 2 (Department) that the Petitioner is no more the PIO in the Directorate of Secondary Education as per office order under Annexure-2.

7. Mr. B.K. Dash, learned counsel for the Opposite Party No.3-State Information Commissioner submits that no such intimation was received by the office of the Commission regarding order under Annexure-2 relieving the Petitioner as Nodal PIO of the Directorate of Secondary Education, Odisha.

8. Upon hearing all the parties, it reveals that the Petitioner is no more PIO in the Directorate of Secondary Education, Odisha w.e.f. 6.7.2021 and another person was appointed in his place to

discharge such duties. However, the impugned order does not reveal that such fact was intimated to the Commissioner in time or the Commissioner is aware of the same at the time of passing of the impugned order on 3.1.2022. As such the Petitioner is granted liberty to intimate the same to the Commissioner and for this purpose, the matter needs to be re-heard afresh by the Commissioner.

9. Accordingly, the impugned order is set aside and the matter is remanded back to the Commissioner for decision afresh and the Petitioner shall appear before the Commissioner on 21st November, 2022 and intimate the Commissioner by filing a memo or appropriate petition to that effect about his discharge from the duty of Nodal PIO. The Commissioner is at liberty to take a fresh decision on the same in accordance with law. It is made clear that this court has not expressed any opinion on the merits of the Complaint Case.

10. With the aforesaid observation and direction, the writ petition is disposed of.

11. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge