

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4319 of 2022

Namita Behera and others ***Petitioners***

-versus-

Odisha Information Commission, ***Opposite Parties***
represented through its Registrar,
Bhubaneswar and another.

CORAM: JUSTICE S. PUJAHARI

ORDER
30.03.2022

Order
No.
03.

1. This matter is taken up through hybrid mode.
2. This writ petition has been filed by the Petitioners with a prayer to quash the decision dated 3rd January, 2022 of State Information Commissioner passed in Complaint Case No.475 of 2018 under Annexure-1 and exonerate them.
3. Heard the learned counsel for the parties.
4. Learned counsel for the Petitioners submits that since the aforesaid complaint was withdrawn and the Petitioners have also given their reply through Registered Post with A.D., the authority could not have passed such order under Section 20(1) of the R.T.I. Act.
5. However, as it reveals from the impugned order, counsel for the complainant denied that the complaint was ever withdrawn.
6. Learned counsel appearing for the State Information Commissioner defends the impugned order

7. From the impugned order, it reveals that in spite of the repeated communication of the Information Commissioner, the Petitioners having not participated in the proceeding, the Information Commissioner was constrained to pass order on the complaint, but the Petitioners stated that they had already send the same by Registered Post and also they are ready and willing to supply the information, if applied for.

8. This Court without expressing any opinion on the merit of the case, but taking note of the aforesaid facts and submissions made, while setting aside the order impugned, directed the State Information Commissioner to restore the aforesaid complaint and also direct the Petitioners to appear before the State Information Commissioner on or before 25th April, 2022 with a copy of this order and cooperate with the complaint petition taking all the stand available to them. The State Information Commissioner shall pass necessary order on the same after hearing the parties in this regard. Furthermore, if for any reasons the Petitioners fail to appear, it is open to the State Information Commissioner to pass necessary order as permissible under law.

(S. Pujahari)
Judge

DA