

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 14362 OF 2022

Pragnya Parmita Thatoi ***Petitioner***

Mr. Mohit Mohanty, Advocate

-versus-

State Information Commissioner and ***Opp. Parties***
others

Mr. Bijay Kuamr Dash, Advocate being
assisted by Miss Sonyashree Behera, Advocate
(For State Information Commission)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
26.07.2022

Order No.

4. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 16th March, 2022 (Annexure-11) passed by the State Information Commission, Bhubaneswar in Complaint Case No. 396 of 2017, whereby a penalty of Rs.25,000/- has been imposed on her.
3. Mr. Mohanty, learned counsel for the Petitioner submits that on the date of posting of the complaint case, the Petitioner was on election duty of the Local Body and she was in-charge of EVM. Thus, she could not appear before the Commission for which the impugned order has been passed.
4. Mr. Dash, learned counsel appearing for the State Information Commission produces the case record in Complaint Case No.396 of 2017 pursuant to the direction of this Court dated 19th July, 2022. Referring to the order sheet of the complaint case, Mr. Dash, learned counsel submits that notice

was sufficient on the Petitioner and she was aware of posting of the complaint case. Without deputing anybody to appear before the State Information Commission, she casually ignored the same and did not appear before the Commission. As such, there is no infirmity in the impugned order. Hence, he prays for dismissal of the writ petition.

5. Taking into consideration the rival contentions of the parties, this Court accepting the submission of Mr. Mohanty, learned counsel for the Petitioner that the Petitioner was on election duty on the date of hearing of the complaint case, i.e. on 16th March, 2022 and was in-charge of EVM and taking a lenient view in her favour sets aside the order dated 16th March, 2022 passed by the State Information Commission, Bhubaneswar in Complaint Case No. 396 of 2017 and remits the matter back to the State Information Commission, Bhubaneswar to adjudicate the complaint case afresh in accordance with law, giving opportunity of hearing to the parties concerned.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks