

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21428 of 2022

Shibaram Mahapatra

..... Petitioner

Mr. S.K.Mahanty, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

13.09.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner, in this writ petition, seeks to assail the decision/ order dated 25th May, 2022 (Annexure-4) of the Odisha Information Commissioner, Bhubaneswar (for short, 'the Commission') in Second Appeal No.509 of 2018, whereby the Commission while directing the Public Information Officer (PIO) of Regional Directorate of Education (RDE) to provide information as sought for in Form- 'A', did not pass any order with regard to penalty.
3. It is submitted by learned counsel for the Petitioner that the application for information in Form-'A' was submitted to Directorate of Higher Education, Odisha on 3rd July, 2017 (Annexure-1). Although the information was available with the Directorate, application was forwarded to the PIO, Regional Directorate of Education for supply of said information. As the information sought for was not supplied, Petitioner moved the 1st Appellate Authority and thereafter the Commission in Second Appeal No.509 of 2018, which was disposed of on 25th May,

2022 (Annexure-4) by only directing the PIO, Regional Directorate of Education, Bhubaneswar to supply the information to the Petitioner free of cost immediately. It is submitted that as there was delay in supplying information by the PIO, Regional Directorate of Education, Bhubaneswar, penalty as provided under the provisions of RTI Act ought to have been imposed on the Public Information Officer.

4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court is of the considered opinion that the Commission after taking into consideration the rival contentions of the parties, felt it proper to direct both the PIOs. (Opposite Party Nos.3 and 4) of Directorate of Higher Education and Regional Directorate of Education, Bhubaneswar to supply the available information to the Petitioner free of cost by registered post and report compliance to the Commission within one month from the date of receipt of this order.

4.1 Since in the facts and circumstances of the case discussed the Commission did not feel it proper to impose penalty on the PIOs, this Court is not inclined to interfere with the said direction and take a decision otherwise.

5. Accordingly, the writ petition being devoid of any merit stands dismissed.

(K.R. Mohapatra)
Judge