

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 32237 OF 2022

Bibhuti Bhusan Sarangi ***Petitioner***
Mr. Manas Ranjan Dhal, Advocate
-versus-
State of Odisha and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
13.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 11th August, 2021 (Annexure-1) passed by the Odisha Information Commission, Bhubaneswar in Second Appeal No.3389 of 2017.
3. Mr. Dhal, learned counsel submits that the Petitioner filed an application in Form-A under the R.T.I. Act, 2005 (for short 'the Act') before the District Education Officer, Jagatsinghpur for supply of copy of the Letter No.4821 dated 30th June, 1994 of District Education Officer, Jagatsinghpur addressed to the Director of Education, Odisha. Upon receipt of the application, the District Education Officer, Jagatsinghpur vide his letter dated 13th June, 2018 informed the Petitioner that in spite of thorough search, the said letter could not be traced out in the office. Assailing the same, the Petitioner filed First Appeal on 20th September, 2017. Since no order was passed in the said First Appeal, the Petitioner preferred Second Appeal No. 3389 of 2017 and the impugned order has been passed under Annexure-1. He further submits that learned Commission has not made any enquiry as provided under Section

18(3) of the Act to find out the veracity of the letter dated 30th June, 1994. Since the said letter was written by the District Education Officer, Jagatsinghpur himself to the Director of Education, Odisha, it is not believable that copy of the same is not available in the said office. Learned Commission without making any enquiry to that effect, merely relying upon the statement of District Education Officer, Jagatsinghpur dismissed the appeal. Hence, this writ petition has been filed assailing the impugned order under Annexure-1.

4. Considering the submission made by learned counsel for the Petitioner and on perusal of the impugned order under Annexure-1, it reveals that after receipt of the appeal, learned Commission directed the District Education Officer, Jagatsinghpur-Opposite Party No.4 to file his written submission. The Opposite Party No.4 filed his written submission clarifying the aforesaid facts. Since it is alleged by the Petitioner that document is available with the District Education Officer, Jagatsinghpur and no endeavour has been made to provide the same, the burden lies on him to establish the same. Learned Commission observing that the Petitioner has failed to establish that the document sought for is available with the District Education Officer, Jagatsinghpur, rejected the same. Hence, I do not find any infirmity in the impugned order.

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

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

(K.R. Mohapatra)
Judge