

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 34795 OF 2022

Minati Kumari Nayak

....

Petitioner

Mr. Gyanendra Kumar Tripathy,
Advocate

-versus-

***The Odisha Information Commission,
Bhubaneswar and others***

....

Opp. Parties

Mr. Bijaya Kumar Dash, Advocate
(For State Information Commission)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
20.12.2022**

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks to assail the order dated 29th September, 2022 passed by the Odisha Information Commission, Bhubaneswar in Second Appeal No.1501 of 2020, whereby in exercising the power under Section 20(1) of the Right to Information Act, 2005, the Commission has imposed a penalty of Rs.15,000/- on the Petitioner, who is the PIO in the Office of the Block Education Officer, Balasore at the relevant time.
 3. Mr. Tripathy, learned counsel for the Petitioner submits that no notice, whatsoever, was served on the Petitioner, as she was absent and had been to Rajkot for her knee operation. On returning after the surgery, she came to know about the impugned order. As such, finding no other alternative, she approached this Court to set aside the order, imposing penalty on her.

4. Mr. Dash, learned counsel for the Odisha Information Commission submits that at Paragraphs-12 and 13 of the impugned order clearly reflects that notice on the Petitioner was served, but she failed to respond to the same. Hence, no fault can be found with the Commission to impose penalty on the Petitioner in exercising power under Section 20(1) of the Act.

5. Considering the rival contentions of the parties, this Court finds in one hand that the Petitioner alleges non-service of the notice on her. On the other hand, perusal of the impugned order, it appears that notice on the Petitioner was duly served. Since the Petitioner disputes the recording of the Commission, she has to approach the forum, which has recorded the statement.

6. In view of the above, the writ petition is disposed of with an observation that the Petitioner, if so advised, may file an application to recall the impugned order, so far as it relates to imposition of penalty is concerned. If such an application is filed within a period of two weeks hence along with relevant documents, the Odisha Information Commission, Bhubaneswar- Opposite Party No.1 shall do well to consider the same 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

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