

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 WRIT PETITION NO.12906 OF 2021

**LATIFKHA SHERKHA PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Chand Masood Syed, Advocate for the petitioner
Mr. P. S. Patil, AGP for the respondents/State

**CORAM : RAVINDRA V. GHUGE &
S. G. DIGE, JJ.**

DATED : 19th April, 2022

PER COURT :-

1. We have considered the submissions of the learned Advocate for the petitioner and the learned AGP. Since the learned AGP is appearing on behalf of all the respondents, notice is waived.

2. The issue before this Court is as regards the application of the petitioner dated 6th February, 2019 invoking Section 20 of the Right to Information Act. This application under Section 20 is with reference to the decision of the State Information Commissioner at Aurangabad dated 1st January, 2014 which has not been implemented. He,

therefore, moved a reminder on 22nd January, 2021. Prior thereto, he had approached this Court in Writ Petition No. 6484 of 2018 which was disposed off by order dated 26th June, 2018 holding that *"It would be open for the petitioner to avail of remedy provided under section 20 of the Act of 2005."*

3. By the impugned order dated 19th March, 2021, the State Information Commissioner at Aurangabad referred to the reminder of the petitioner dated 22nd January, 2021 and mistook the said reminder to be an appeal under Section 18 and completely ignored the application dated 6th February, 2019 under Section 20. In fact, the order passed by this court on 26th June, 2018 is reproduced on internal page 2 by the State Information Commissioner and order is passed again under Section 18 directing the documents to be supplied by the Education Officer (Primary) Zilla Parishad, Aurangabad. It is thus apparent that the reminder dated 22nd January, 2021 was mistakenly entertained as a Second Appeal under Section 18, instead of of dealing with the

application dated 6th February, 2019 under Section 20 of the Act.

4. In view of the above, this petition is partly allowed.

5. The impugned order dated 19th March, 2021 is quashed and set aside. We direct respondent No. 3 to decide the application dated 6th February, 2019 filed by the petitioner under Section 20 of the Right to Information Act. The said authority to issue notices for hearing to the petitioner as well as respondent No. 2. We expect the said application to be decided as expeditiously as possible and in any case on or before 30th August, 2022.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

ssp