

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 553 OF 2022

IN

WRIT PETITION NO.3322 OF 2021

Puja Ramesh Jadhav

..VS..

State Information Commissioner, State Information Commission, Amravati and ors.

WITH

CIVIL APPLICATION NO. 552 OF 2022

IN

WRIT PETITION NO.3323 OF 2021

Rushikesh Satish Deshmukh

..VS..

State Information Commissioner, State Information Commission, Amravati and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.B. Dhore, Advocate for the applicants/petitioners.
Ms. S.V. Darne, Advocate for respondent no.2

CORAM : MANISH PITALE, J.

DATED : 25/03/2022.

These are the applications moved in these writ petitions on behalf of the petitioners, seeking modification of orders passed by this Court dated 03.09.2021, whereby notices were issued in the writ petitions and interim stay was granted only to direction no.2 in the impugned orders, whereby the petitioners were directed to pay fine of Rs.25,000/- (Rupees Twenty Five Thousand only), each.

2. Learned Counsel appearing for the applicants/petitioners submits that direction no. 3 in the impugned orders also deserves to be stayed, firstly for the reason that such a direction is wholly without jurisdiction, because, an enquiry is directed against the applicants/petitioners from the competent authority and secondly, insofar as the applicant/petitioner in Writ Petition

no.3323/2021 is concerned, such an enquiry might come in his way of selection for the post of Chief Officer, for which he has been shortlisted.

3. In both the applications, notices have been served on the applicants/petitioners regarding initiation of enquiry and they have been annexed, both dated 16.02.2022, thereby indicating urgency in the matter.

4. This Court is convinced that, *prima facie*, direction no. 3 contained in the impugned orders, is without jurisdiction.

5. Hence, orders dated 03.09.2022 passed by this Court in Writ Petition Nos. 3322 and 3323 of 2021, are modified and it is directed that in addition to interim stay on direction no. 2 contained in impugned orders, direction no. 3 shall also remain stayed during the pendency of the writ petitions.

6. The applications are disposed of.

JUDGE

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