

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

WRIT PETITION NO. 6088/2019

(ASHA PUNJARAMJI TADAS @ ASHA VINAYAKRAO KARWATKAR **VERSUS** CHIEF EXECUTIVE
OFFICER, ZILLA PARISHAD, CHANDRAPUR & OTHERS)

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

Court's or Judge's order

Ms Kirti Satpute, counsel for the petitioner.

Shri Sankalp Andhare, Advocate h/f Shri Amit V. Band, counsel for the R-1 & 3.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : SEPTEMBER 05, 2022.

PC.

Considering the limited prayer made in the writ petition which is for a direction to decide the appeal preferred by the petitioner before the State Information Commission under Section 19(3) of the Right to Information Act, 2005 (for short, 'the Act of 2005'), **RULE**. Rule made returnable forthwith and heard the learned counsel for the petitioner.

The petitioner while serving at Zilla Parishad Higher Primary School, Panchayat Samiti Bhadravati, District Chandrapur sought information under the provisions of the Act of 2005. On 12.12.2017 the Block Education Officer as the First Appellate Authority issued directions to the Information Officer to supply the requisite information sought by the petitioner. The Block Education Officer informed the petitioner that after examining the record the relevant documents sought by the petitioner were not found. Being aggrieved by the said communication, the petitioner filed an appeal before the State Information Commission being Appeal No.259 of 2018. That appeal was decided on 22.02.2018 by issuing a direction to the Information Officer to trace out the relevant record and supply the necessary information. It was further stated that if the information was not available affidavit in that regard be filed. There being no compliance with the said direction, the petitioner again sought implementation of the same. It appears that on 05.12.2018 an affidavit was

filed on behalf of the Panchayat Samiti stating that after searching for the relevant records, the information sought by the petitioner was not found to be available. Being aggrieved by the same the petitioner preferred an appeal before the State Information Commission being Appeal No.96 of 2019. It is stated that this appeal is still pending.

In that view of the matter, the respondent no.6-State Information Commission, Nagpur is directed to consider the appeal preferred by the petitioner being Appeal No.96 of 2019 and decide the same in accordance with law within a period of one month from receipt of copy of this order.

All points raised on merits in the writ petition are kept open.

With aforesaid directions, the writ petition is disposed of. Rule accordingly. No costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE