

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9718 of 2021

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Dharamdeo Choudhary Son of Saryug Chaudhary Resident of Devi Sarai
Police Station- Deep Nagar, District- Nalanda at present Posted as Assistant
Settlement Officer, Settlement Office, Purnea, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The State Chief Information Officer State Information Commission, Information Building 4th Floor Bailey Road, Patna.
3. The Secretary Bihar Rajya Suchna Ayog, Suchna Bhawan, 4th Floor, Bailey Road, Patna- 800015.
4. The District Magistrate Samastipur.
5. First Appellate Authority cum Sub Divisional Officer Simri Bakhtiyarpur, Saharsa.
6. Lok Suchna Padadhikari cum Anchala Adhikari Simri Bakhtiyarpur, Saharsa.
7. Anil Kumar Gupta, I.P.S. Son of Not Known Resident of Block Chowk Simri Bakhtiyarpur, Police Station- Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Jha, Advocate
For the State	:	Mr. Lalit Kishore, Sr. Advocate
		Ms. Binita Singh, Advocate
		Ms. Kumari Amrita, GP-3
		Mr. M.K. Upadhyay, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-02-2023 Heard the parties.

2. The petitioner is aggrieved by order dated 20.10.2020 passed by State Information Commission in which he has made liable to pay Rs. 12,500/- penalty for not providing requisite information sought under Right to Information Act by respondent no. 7-Anil Kumar Gupta.



3. Learned counsel appearing on behalf of the petitioner submitted that an information was sought on 17.04.2017 in requisite form K by respondent no. 7-Anil Kumar Gupta. During the said period Mr. Dharamendra Pandit was the Circle Officer posted at Simri Bakhtiyarpur. The petitioner-Mr. Dharamdeo Choudhary had joined Circle Office, Simri Bakhtiyarpur on 19.07.2018. It is submitted that he was not informed by his office about the pending informations sought under the Right to Information Act, however, pursuant to the notice issued by the Commission dated 12.03.2019, he give the requisite information to the person who had sought. Learned counsel further submitted that the period during which petitioner was in the Circle Office whole nation was affected by COVID-19 pandemic.

4. Learned counsel appearing on behalf of the State Information Commission submitted that world knows that COVID-19 pandemic effect over country sometime in October 2019 and the period during which the petitioner was posted in the Circle Office, Simri Bakhtiyarpur was before the COVID-19 pandemic. It was statutory duty of the petitioner to provide the requisite information which was not provided by his predecessor. It is admitted that the information was provided



after a period of eight months from the date of his joining on the post of Circle Officer but the information was given only after service of notice to the petitioner on 12.03.2019 to the aggrieved party. From the period 19.07.2018 to 12.03.2019, the petitioner deliberately did not provide information as per the statutory provision. The period cannot be accounted for COVID-19 pandemic.

5. Having heard the rival submission of the parties and materials on record, it appears that the petitioner had joined on 19.07.2018 and a notice dated 12.02.2019 was issued by the commission to him. He had not provided any information which was sought by the party before the date of notice. A show cause filed by the petitioner on 26.04.2019 and the same was not found satisfactory, therefore, a penalty of Rs. 12,500/- was imposed on the petitioner. The submission made on behalf of the petitioner is that due to COVID-19 pandemic he could not acted upon is thus, cannot be accepted. Perusal of the show cause it appears that the said plea was never taken by the petitioner. The manner in which the petitioner has discharged his duty is not only in disregard of the statutory provision responsibility which has been fastened on him for immediately provide requisite information to the person who has sought it, within a period of



30 days as per the provision of Section 7 of the Act. The petitioner who had joined on 19.07.2018, had acted upon in accordance with law. The requisite information was provided after notice 12.03.2019 issued by the Commission. The act of the petitioner cannot be said to be in conformity with the provision of the Act, as well as, having discharged his duty in due diligence. This Court do not find any infirmity in the order dated 20.10.2020 passed by the Commission.

6. The petitioner is directed to deposit Rs. 12,500/- on account of penalty imposed by the State Information Commission.

7. Accordingly, the present writ petition, is dismissed.

(Purnendu Singh, J)

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