

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15316 of 2021

Binay Kumar S/o - Late Ramdeo Singh R/o Vill and Post - Sheikhpur, P.S. -
Shiyapur, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. Bihar State Information Commissioner

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Satyapal Singh, Advocate
	:	Mr. Mithilesh Kr. Upadhyay, Advocate
For the Respondent/s	:	Ms.Kumari Amrita (GP 3)
For State Information Commission	:	Ms. Vinita Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 14-03-2023 The present writ petition has been filed for quashing the order dated 27.08.2019, passed by the State Information Commissioner in case no.- ***C 456/2019 (Sri Ram Bhagat v. First Appellate Authority-cum-District Education officer, Muzaffarpur/ Public Information Officer-cum-District Programme Officer (Establishment), Education Department, Muzaffarpur)***, whereby and whereunder a cost of Rs. 25,000/- has been imposed upon the petitioner.

The short point raised by the learned counsel for the petitioner in the present writ petition is that no show cause notice was issued to the petitioner prior to passing of the impugned order dated 27.08.2019, which is apparent from the



impugned order itself, especially in view of the fact that the petitioner stood retired on 29.02.2019 itself.

Admittedly, the learned counsel appearing for the State Information Commission has not been able to show any document from the records of the present case to the effect that any notice was sent/ served upon the petitioner at his personal address, inasmuch as he had stood retired from the government services on 29.02.2019, hence, obviously, no opportunity of hearing has been granted to the petitioner prior to imposing penalty upon him, which smacks of blatant disregard to the Principles of Natural Justice.

Having regard to the facts and circumstances of the case and considering the fact that the Principles of Natural Justice have not been complied with prior to passing of the impugned order dated 27.08.2019, I deem it fit and appropriate to quash the impugned order dated 27.08.2019, passed by the State Information Commissioner.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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