

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

949 WRIT PETITION NO.10339 OF 2023

RAJARAM HULAPPA YELAGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. Kamble Shirish M.
AGP for Respondents/State : Mr. PK. Lakhotiya
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.**
DATE : 23rd August, 2023

PC. :-

1. Leave to add the Deputy Director Education, Latur Division, Latur as Respondent No.3. Addition to be carried out forthwith.
2. Issue notice to the Respondent Nos.1 and 3, made returnable forthwith by consent. The learned AGP waives service of notice on behalf of Respondent Nos.1 and 3.
3. The Petitioner's grievance is that, an application under Right to Information Act, filed with Respondent No.2, is returned back with the reason that the Information Officer is not available on the address. He, therefore, submitted another application under the Right to Information Act to the

Appellate Authority. That application is also returned on the ground that, nobody is available.

4. The learned advocate for the Petitioner tenders before us a communication by Respondent No.3 dated 12.11.2018 directing the Respondent No.2 to comply with the provisions of the Right to Information Act with reference to the application of the Petitioner dated 09.10.2018 filed under the R.T.I. The said copy of the communication is marked as 'X' for identification.

5. In view of the above and since Respondent No.2 is not within the definition of 'State' under Article 12 of the Constitution, we direct Respondent No.3 to initiate appropriate steps by following the due procedure for ensuring that Respondent No.2 Information Officer takes cognizance of the application of the Petitioner and deals with the said application within the prescribed limit as set out in the Act. If Respondent No.2 is not cooperative and attempts to frustrate the provisions of the R.T.I. Act, Respondent No.3 would be at liberty to initiate action as permissible in law.

6. With the above direction, **this petition is disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]