

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

63 WRIT PETITION NO.2222 OF 2020

SHRI RAMESH GORSING PAWAR
VERSUS
PUBLIC INFORMATION OFFICER AND OTHERS

...
Advocate for the petitioner : Mr.A.G.Dalal
AGP for Respondent-State : Mr.K.B.Jadhavar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 21.08.2023

P.C. :

1] By the present Writ Petition, the petitioner is challenging the order dated 22.09.2017 passed by the State Information Commissioner, Bench at Aurangabad in Second Appeal No.557 of 2016.

2] The learned counsel for the petitioner submits that on 08.09.2015, the petitioner submitted an application before the respondent no.1 under the provisions of Section 6 of the Right to Information Act, 2005, requesting to provide for the applied information. The respondent no.1

did not provide the applied information to the petitioner. Thereafter, the petitioner filed First Appeal before the respondent no.2. The First Appellate Authority, neither issued any notice, nor communicated the petitioner with respect to the hearing of the appeal within stipulated period of 30 days. Since no hearing had taken place within the stipulated time before the First Appellate Authority, the petitioner filed Second Appeal before the State Information Commissioner i.e. Second Appellate Authority. By order dated 22.09.2017, the State Information Commissioner disposed of the Second Appeal and the said order is challenged in the present Writ Petition.

3] The petitioner submits that the Second Appellate Authority ought to have initiated the action in terms of Section 20 of the Right to Information Act, 2005. The learned counsel further submits that without giving an opportunity of hearing and without considering the provisions of Section 20 of the Right to Information Act, 2005, the impugned order is passed, therefore, the

impugned order passed by the Second Appellate Authority may be quashed and set aside.

4] The Second Appellate Authority in the impugned order has observed that on 2nd occasion also, the petitioner had remained absent before the Second Appellate Authority, therefore, in absence of the petitioner, the Second appellate Authority has decided the appeal filed by the petitioner.

5] Since the petitioner himself was not present before the authority concerned while hearing the appeal before the Appellate Authority, the petitioner is permitted to canvass all his argument before the Second Appellate Authority, so also, if there is any grievance, the petitioner can raise the same before the said authority. Accordingly, the impugned judgment and order dated 22.09.2017 passed by the State Information Commissioner, Bench at Aurangabad in Second Appeal No.557 of 2016 is quashed and set aside. The learned Second Appellate Authority is directed to consider the grievance made by the petitioner

and decide the same afresh in accordance with law, after giving opportunity of hearing to the petitioner.

6] The petitioner to appear before the Second Appellate Authority on 04.10.2023, so as to fix the matter for further hearing.

7] The Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC