



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

WRIT PETITION NO.3332/2021

Ms. Rashmi Kishor Chavan

...Versus...

**The State of Maharashtra, through its Principal Secretary, Urban Development
Department, Mantralaya, Mumbai and others**

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

Court's or Judge's orders

Mr. A.S. Ghawde, Advocate for petitioner
Mrs. S.S. Jachak, Addl. G.P. for respondent nos.1 and 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 26/10/2023

1. Heard Mr. Ghawde, learned counsel for the petitioner and Mrs. Jachak, learned Additional Government Pleader for the respondent nos.1 and 3. None appears for the respondent nos.2 and 4, though served.

2. The petition questions the impugned order insofar as it directs recommendation of disciplinary action against the petitioner, who is First Appellate Authority under the Right to Information Act, 2005. It is contended and rightly so that Section 20 (2) of the Right to Information Act, 2005 does not empower the State Information Commission to recommend disciplinary action against the First Appellate Authority, as the said provision, permits this to be done only against the State

Public Information Officer, in view of which, the impugned order insofar as it in operative para 4 recommends disciplinary action against the petitioner is clearly without any jurisdiction. The impugned order, therefore, is set aside to that extent only.

3. The writ petition is accordingly allowed in the above terms. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar