

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

WRIT PETITION NO. 2919 OF 2022

Shri Pundlik S/o Vitthalrao Dhage
Aged about 56 years, Occ. Service
R/o Prakash Nagar, Jalgaon Jamod,
Tq. Jalgaon Jamod, Dist. Buldhana

...Petitioner

// VERSUS //

1. The State Information Commissioner,
Amravati, At. Near Government Rest
House, Camp Amravati 444602
2. Shri Sudhir S/o Sharadchandra Mule,
Aged about 57 years, Occ. Service
R/o Prakash Nagar, Jalgaon Jamod, Tq.
Jalgaon Jamod, Dist. Buldhana &
Public Information Officer,
S.K.K.College, Jalgaon-Jamod, Dist.
Buldhana
3. Dr. Ramchandra S/o Shridhar
Deshmukh, Aged about 57 Years, Occ.
Principal, S.K.K.College and First
Appellate Authority
R/o Siddhivinayak Nagar, Jalgaon
Jamod Tq. Jalgaon Jamod, Dist.
Buldhana

... Respondents

Shri Gopal Mishra, Advocate for the petitioner.
Shri D.P.Thakare, Addl.Government Pleader for the respondent no.1.
Shri R.J.Kankale, Advocate for the respondent no.3.

CORAM : ANIL S. KILOR, J.

DATED : 5th APRIL, 2023.

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. In this writ petition, the challenge is raised to the order dated 17th December, 2019 passed by the State Information Commissioner, Amravati directing the Public Information Officer to supply the information within 30 days and after imposing the penalty of Rs.25,000/- for not providing the information within 30 days, is under challenge.

3. I have heard Shri Mishra, learned counsel for the petitioner, Shri Thakare, learned Additional Public Prosecutor for the respondent no.1 and Shri Kankale, learned counsel for the respondent no.3

4. The application moved by the respondent no.2 for seeking information under the Right to Information Act, 2005 (in short hereinafter referred as "RTI Act, 2005") speaks for itself that the reason behind filing of application was that the penalty towards two missing books was recovered from the respondent no.2 and it appears that he got hurt because of the same and he demanded the following information (i) under which provision the penalty was sought to be recovered, (ii) copies of receipts issued towards the amount deposited by the Principal and the other employees towards costs of books (iii) under which head the said amount was deposited and (iv) the details about how the said amount was spent.

5. Admittedly, the information was not related with the petitioner and in that case without disclosing any public purpose for

obtaining such information, the application was moved. Further, admittedly, such information was not sought by the petitioner for any public purpose or in the interest of public. It appears that such information was asked just to create a pressure on the Management as he was asked to deposit costs of missing books.

6. The State Information Commissioner, without recording the sufficient reason and even without issuing notice for imposition of cost of Rs.25,000/-, the cost was imposed. In the circumstances, I am of the opinion that the impugned order needs to be quashed and set aside. Accordingly, I pass the following order.

- i. Writ petition is allowed;
- ii. Order dated 17th December, 2019 passed by the State Information Commissioner directing the Public Information Officer to supply the information within 30 days and after imposing the penalty of Rs.25,000/- for not providing the information within 30 days is hereby quashed and set aside.

[ANIL S. KILOR, J.]

SACHINDANAND
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