

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

WRIT PETITION NO.1320 OF 2022

The Principal District Judge, Wardha through Registrar, District and Sessions Judge,
Wardha .**Vs.** Shri Jaywant Shankarrao Mahajan and others

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

Court's or Judge's Order

Shri P.S. Khubalkar, Advocate for the petitioner.

Shri D.G. Takwale, Advocate for the respondent No.1.

Shri H.D. Dubey, A.G.P. for the respondent No.3.

CORAM : ANIL S. KILOR, J.

DATED : 19/04/2023

1. Heard.

2. The learned counsel for the respondent No.1 states on instructions that his client does not want to pursue this application filed under the Right to Information Act, as far as the Clause (1) is concerned.

3. Shri Khubalkar, learned counsel for the petitioner has pointed out that the State Information Commissioner has held that the second appeal is not maintainable on the ground that, it is filed by the Public Information Officer who is subordinate to the first appellate authority. He, therefore, submits that this observation is erroneous and if this is accepted, no Public Information

Officer can file second appeal, in any case. I find substance in the submissions of the learned counsel for the petitioner.

4. After going through the impugned order, I have no hesitation to hold that the State Information Commissioner has not apply to his mind to the submission made by the petitioner or he has not interpreted provisions in right perspective.

5. Be that as it may, as the respondent No.1 is not now interested in pursuing his application and for obtaining the information as to the extent of Clause (1) of his application, the writ petition is **allowed** and the impugned order dated 30.04.2019 passed by the First Appellate Authority in Appeal No.1 of 2019 and the impugned order dated 15.02.2020 passed by the Second Appellate Authority in Appeal No.1514 of 2019, are hereby quashed and set aside.

JUDGE