

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

WRIT PETITION (WP) NO. 5093/2018

1. The Public Information Officer,
Vishwas Secondary School,
Wathoda Layout,
Shrikrishna Nagar, Nagpur.
 2. The First Appellate Authority and
the Head Master, Vishwas Secondary
School, Wathoda Layout,
Shrikrishna Nagar, Nagpur.
- PETITIONERS

// VERSUS //

1. The State Information Commissioner,
State of Maharashtra, Nagpur Bench,
Administrative Building No. 2,
First floor, Civil Lines, Nagpur.
 2. Shri Vijay Mahesh Gupta, aged major,
r/o Civil Ward, Sakoli, Dist. Bhandara.
Occupation : Nil.
- RESPONDENT(S)

Mr. B.G. Kulkarni, Advocate for the petitioners
Mr. D.P. Thakare, AGP for respondent no. 1
Respondent no. 2 is served

CORAM : A.S. KILOR, J.

DATED : 24/04/2023

ORAL JUDGMENT :

Rule. Rule made returnable forthwith. Heard the learned
counsel for the parties.

2. In this writ petition the order dated 12.10.2017 passed by respondent no. 1 – State Information Commissioner directing the Public Information Officer to provide the information to respondent no. 2 within fifteen days is under challenge.

3. Mr. B.G. Kulkarni, the learned Counsel for the petitioners has pointed out that respondent no. 2 is the third person who is no way connected with the School and Junior College and the information sought by respondent no. 2 is nowhere related with him. He submits that it was pointed out to the respondent no. 1 that, the Public Information Officer requested to respondent no. 2 to disclose the purpose for seeking information and also specifically asked whether there is any public purpose or any public interest in seeking information. However, as respondent no. 2 did not respond to the said query, the information was not supplied.

4. After going through the application made by respondent no. 2 seeking information, it can be seen that he is asking for attendance register of the teaching and non-teaching staff of the School and Junior College. Further he is asking for approvals granted to the appointments of the teaching and non-teaching staff of the School and Junior College.

5. After going through the impugned order, it can be seen that the learned State Information Commissioner has committed error in

observing that the information is not personal or secret. The learned State Information Commissioner failed to consider the submissions of the Public Information Officer.

6. In these circumstances, I am of the opinion that the Public Information Officer has rightly asked for explanation from respondent no. 2 whether the information sought by him is for any public purpose or is it in public interest. Failure to disclose the purpose by respondent no. 2, the Public Information Officer as well as the First Appellate Authority rightly refused to grant information to respondent no. 2. However, erroneously the learned State Information Commissioner directed the Public Information Officer to provide the same.

7. In these circumstances, I am of the opinion that the impugned order needs to be quashed and set aside. Accordingly, writ petition is allowed. Order dated 12.10.2017 passed by respondent no. 1 - State Information Commissioner is hereby quashed and set aside.

8. Rule is made absolute in the aforesaid terms with no order as to costs.

(JUDGE)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
Digitally signed by
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