

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4737 of 2020

Nasim Ahmad, S/o-Late M.S. Alam, R/o-Gram-Veernagar (Ekraha), P.O. and
P.S.-Banankhi, District-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the State Chief Information Commissioner, Soochna Bhawan, Bailey Road, Patna, Bihar.
2. The State Chief Information Commissioner, Soochan Bhawan, Bailey Road, Patna, Bihar.
3. The State Information Commissioner, Soochan Bhawan, Bailey Road, Patna, Bihar.
4. Shri Ajay Kumar Chaurasia, S/o-Late Bidyabhushan Prasad, Bangla no.85, Anand Bazar, Circular Road, Danapur cant. Patna-801503.
5. The Principal Secretary, Education Department Govt. of Bihar.
6. The Director(Administration) Cum Additiond Secretary, Education Department, Govt. of Bihar
7. Treasury Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan, Adv.
For the State	:	Mr.Lalit Kishore
For the Respondent No.2 & 3	:	Mrs. Binita Singh, Adv.
For the Respondent No.4	:	Mrs. Sarita Bajaj, Adv.
		Mr. Shreyash Goyal, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

20 22-03-2024 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the respondent nos.
2, 3 & 4.

2. The present writ petition has been filed for
quashing of order dated 21.10.2019 as contained in Memo
No.5829 dated 15.11.2019 (annexed as Annexure-5) passed in
Case No.133767/15-16 by which fine of Rs.25,000/- has been



made as punishment against the petitioner by the State Information Commissioner, Patna, Bihar (respondent no.3).

3. Learned counsel for the petitioner submits that from the order impugned, it is clear that a show cause has been demanded from him and in this regard, he submits that the said show cause has not been served upon him directly, rather, the said show cause has been served through other officials. Counsel further submits that it is true that there is delay of ten months in providing the information, but the reason for providing such delay has already been explained in his show cause which is annexed as Annexure-4 of the present writ petition.

4. Learned counsel for the petitioner submits that at the time of passing the impugned order, the State Information Commissioner, Patna, Bihar has not considered his show cause which is Annexure-4 and pass the order imposing punishment of Rs.25,000/-. Counsel further submits that this is not the only one case, rather, in series of cases, such order has been passed against the petitioner which he has challenged in the different writ petitions before this Hon'ble Court contained in Civil Writ Jurisdiction Case No.4545 of 2024, Civil Writ Jurisdiction Case No.2156 of 2024 and Civil Writ Jurisdiction Case No.2041 of



2024 and in addition two more writ petitions in Civil Writ Jurisdiction Case No. 3535 of 2024 and Civil Writ Jurisdiction Case No.3434 of 2024. Counsel submits that all the writ petitions have been disposed off by this Court and he has produced three orders before this Hon'ble Court namely Civil Writ Jurisdiction Case No.4545 of 2024 dated 15.03.2024, Civil Writ Jurisdiction Case No.2156 of 2024 dated 21.02.2024 and Civil Writ Jurisdiction Case No.2041 of 2024 dated 21.02.2024 in which Co-ordinate Bench of this Court by which the order passed by the State Information Commissioner, Patna, Bihar has been set aside.

5. Learned counsel for the State Information Commissioner submits that the order has been passed well within jurisdiction and sustainable in the eye of law and there is no infirmity in the said order.

6. Learned counsel for the private respondent no.4 submits that the petitioner has not come before this Court with clean hands and there are series of orders in which punishment has been imposed upon the present petitioner.

7. In the light of the submissions made by the parties and upon perusal of the order impugned, it transpires to this Court that the reply to the show cause which has been filed by the petitioner before the State Information Commissioner, Patna,



Bihar has not been considered at all.

8. Hence, with a view to maintain the parity in the order, this Court is hereby set aside the order dated 21.10.2019 as contained in Memo No.5829 dated 15.11.2019 (annexed as Annexure-5).

9. Accordingly, with the aforesaid observations, this writ petition is hereby allowed.

(Dr. Anshuman, J.)

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