



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14131 OF 2024

Ashwini Sahakari Rugnalaya
Ani Sanshodhan Kendra Niy. Solapur

...Petitioner

Versus

The State Of Maharashtra Thr.
Government Pleader And Ors.

...Respondents

Adv. Suhas Inamdar for the Petitioner.

Adv. Priyanka Chavan, AGP for the State.

Coram : Sharmila U. Deshmukh, J.

Date : October 15, 2024.

P. C. :

1. Heard.
2. By this Petition, the challenge is to the order dated 26th June, 2024 passed by the State Information Commission Pune in Second Appeal No.4240 of 2018 directing the Petitioner to furnish the information which is sought by Respondent No. 4 within a period of 15 days.
3. Learned counsel for the Petitioner submits that an Application under the Right to Information Act, 2005 [for short "RTI Act"] was received by the Petitioners seeking information about the duties of one Surekha Parashuram Gajakosh who is working in the pediatric ward dress changing room and for the CCTV footage fo the said pediatric ward dress changing room. He submits that apart from the fact that the RTI Act is not applicable to the Petitioner which is a Multi State Co-operative Society, the information which was sought was

regarding the CCTV footage of the pediatric ward dress changing room which would infringe the privacy of the concerned person. He submits that without any notice to the Petitioner, the impugned order came to be passed, apparently in a group of Second Appeals without any discussion or any reason on the individual facts of each case. He would further point out that the Petitioner had informed the Public Information Officer that the RTI Act was not applicable to them and without considering the submissions of the Petitioner, the impugned order came to be passed.

4. Learned AGP seeks time to take instructions.

5. *Prima facie*, from the impugned order, it appears that, in a group of Second Appeals, common order came to be passed directing the concerned to furnish the information under the RTI Act. Without considering the specific case of the Petitioner that the RTI Act is not applicable to Petitioner which is Multi State Co-operative Society and without noticing the information which was sought would infringe the privacy of the concerned person, the impugned order appears to have been passed. The same demonstrates clear non application of mind.

6. Considering the *prima facie* findings, ad-interim relief in terms of prayer clause **(e)**.

7. Issue notice to the Respondents returnable on **26th November, 2024**. Learned AGP waives notice on behalf of Respondent Nos. 1, 2 and 3. In addition to Court notice, Petitioner to serve the Respondents by private notice by all permissible modes of service and file affidavit of service before the returnable date.

[Sharmila U. Deshmukh, J.]