

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13031 of 2021

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Nooruddin Ansari @ Maulana Nooruddin Ansari Son of Mohammad Sharfuddin Ansari, resident of Bhagwanpur Hat P.S. - Bhagwanpur, District - Siwan, At Retired Lok Swchana Padadhikari - Cum- Headmaster, Yadu Sah Gopal Jee Project Girls High School - cum- Inter College, Bhagwanpur Hat, Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Chief Information Commissioner, State Information Commission, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Programme Officer (Establishment) Siwan.
5. The District Education Officer, Siwan.
6. The Treasury Officer, Siwan.
7. Ashok Kumar Sharma Son of Late Gaurishankar Sharma R/o Village - Chakrabridi, P.O. Sahasaraw, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shri Krishna Ranjan, Advocate
SIC	:	Mrs.Binita Singh, Advocate
For the Respondent/s	:	Mr.Mukund Mohan Jha, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 31-07-2025 Heard Mr. Shri Krishna Ranjan, learned counsel appearing on behalf of the petitioner; Mrs. Binita Singh, learned counsel for the State Information Commission and Mr. Mukund Mohan Jha, learned AC to GP 27 for the State.

2. At the very outset learned counsel appearing on behalf of the respondents seeks to file hard copy of the counter affidavit on behalf of respondent no.4 in course of the day.

3. Permission accorded.



4. In continuation of order dated 28.07.2025, today (i.e. on 31.07.2025), hard copy of counter affidavit has been filed on behalf of respondent no.4 [District Programme Officer (Establishment) Siwan] giving information in Paragraph No.6 of the Counter Affidavit that one Kanti Sharma had joined on the post of the Headmistress of Yadu Sah Gopal Jee Project Girls High School, Bhagwanpur, Siwan in March, 2016 and she had retired on 31.07.2018 from the said post thereafter, the petitioner had taken charge from her on 01.08.2018.

5. The information seeker had sought information for the Financial Year, 2014-2015 and 2015-2016 in respect of irregularities alleged by him.

6. Learned counsel appearing on behalf of the petitioner has replied to the informations contained in paragraphs no.6 of the counter affidavit orally that the petitioner was not posted during the said period, as such, he was not responsible to give any information to the information seeker relating to the information sought in his application, which was required to be provided by his predecessor to the information seeker.

7. The petitioner has sought for quashing of the impugned order on the other hand the learned State Information



Commissioner has passed order dated 23.11.2020 (**Annexure '7'**) without considering his reply on 27.01.2021.

8. The petitioner has claimed that on 23.11.2020, the learned State Information Commissioner had passed order directing him to appear on 27.01.2021, but on that date, he was not medically fit because he had undergone surgery on 05.01.2021 and the Doctor had advised him to take rest.

9. This Court made a query from the petitioner as to whether he was on Medical Leave ? Learned counsel in absence of any information and instruction in this regard submitted that otherwise also the case of the petitioner is required to be considered sympathetically on the ground that the petitioner has given sufficient cause for having not been present to defend himself on 27.01.2021; on which date the *ex parte* order was passed by the State Information Commissioner imposing fine of Rs.25,000/-, which is the maximum fine imposed upon the petitioner.

10. I find that the petitioner has given sufficient reason for being absent on 27.01.2021 and behind his back, the order dated 27.01.2021 has been passed in violation of principle of natural justice. Accordingly, I set aside and quash the order dated 27.01.2021 contained in memo No.4244 dated



11.02.20211.

11. The matter is remitted back to the learned State Information Commissioner to consider afresh and the petitioner is directed to appear in person or through his representative before the State Information Commission on **08.08.2025**. The learned State Information Commissioner may pass order in accordance with law. He must also ensure to provide required information to the information seeker.

12. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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