



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1420 OF 2024

Deepak Bhagwan Kange
VERSUS
The State Of Maharashtra
Through Its Secretary And Others

- Mr. Y. B. Pathan, Advocate for the Petitioner
- Mr. S. G. Sangle, Addl. G. P. for the Respondent Nos. 1 and 2/State
- Mr. A. N. Sabnis, Advocate for the Respondent No. 3
- Mr. A. D. Aghav, Advocate for Respondent No. 4

CORAM : R. M. JOSHI, J
DATE : SEPTEMBER 10, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.

2. This Petition takes exception to the order dated 20.04.2023 passed in Second Appeal No. 609/2020/Ahmednagar by the Respondent No. 2/State Information Commission, Nashik Bench ("**Second Appellate Authority**") under the Right to Information Act, 2005 (for short '**the Act**') whereby the action was directed to be initiated against the Petitioner for causing obstruction for providing information to the complainant. This order came to be passed by invoking

provisions of Section 20(2) of the Act.

3. Learned Counsel for the Petitioner submits that admittedly Petitioner is not a Public Information Officer and hence, there is no power with the Second Appellate Authority to invoke provisions of Section 20(2) of the Act and recommend any action against him. It is his further submission that even otherwise when the First Appellate Authority has passed order giving direction to provide information as sought by the complainant, he was satisfied with the said order.

4. Though learned Counsel for contesting Respondent and learned Addl. GP sought to support the impugned order, they were unable to point out any provision under the Act which enables any action could be taken or even to be recommended against person other than Public Information Officer.

5. Once it is admitted fact that Petitioner is not Public Information Officer, it is not within the jurisdiction of the Second Appellate Authority to invoke provisions of Section 20(2) of the Act and to recommend any action against him. On this count itself,

the order impugned passed by the Second Appellate Authority deserves interference.

6. In view of above discussion, Petition stands partly allowed. Clause No. 2 of the impugned order dated 20.04.2023 is set aside. Consequences to follow.

(R. M. JOSHI, J.)