



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 6063 OF 2014

DADA GULAB DESHMUKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the Petitioner : Mr. Shaikh Mazhar A. Jahagirdar
AGP for Respondents-State : Ms. Minkashi Sangit

...

CORAM : MANJUSHA DESHPANDE, J.

Dated : January 21, 2025

PER COURT :-

1. In the present writ petition, the petitioner has challenged the order dated 26.03.2014 passed by the State Information Commissioner, Nashik.

2. According to the petitioner, he had moved an application dated 09.04.2012 seeking information from the State Information Officer / Sub-Divisional Engineer, Public Works Sub-Division, Mahad, Dist. Raigad. He has filed the said application seeking information about Points No. 1 to 24 mentioned in the application. The information which he had sought is pertaining to the period from 01.04.2021 to 31.01.2012. He has requested to provide the information by registered post. Since he did not receive any information as requested in his application within the period of 30

days, he has filed an Appeal on 11.06.2012 before the First Appellate Authority i.e. Executive Engineer, Public Works Department, Mahad, Dist. Raigad. The appeal filed by him was decided by the First Appellate Authority by its order dated 13.09.2012. In the order, it was observed that the present petitioner was summoned for hearing of the appeal. He was personally present for the hearing and after considering his request and hearing him in detail, the First Appellate Authority decided the appeal observing that the information requested in the application is available and capable of being given to him. Therefore, it was decided that the information should be provided to him. However, considering the shortage of trained staff available in the Office of the State Information Commission, the certain time was granted for giving the information to the Authority. In the order, the appellant was directed to remain present before the Public Information Officer and after scrutinizing the information, he was directed to point out exactly which information should be made available to him.

3. According to learned Advocate for the petitioner, though the order came to be passed in his favour, but no information was supplied to him. In spite of directions given by the First Appellate Authority to provide the information, petitioner had not received any

information. Therefore, he has preferred second appeal under Section 19(3) of the Right to Information Act, 2005 on 31.10.2012. After hearing present petitioner, the Second Appellate Authority i.e. State Information Commission has decided the appeal and partly allowed the same vide its order dated 26.03.2014. Since the second appeal has been allowed partly, he has challenged the order in the present writ petition.

4. According to him, though the First Appellate Authority has allowed his appeal and the directions were given to provide him the necessary information, however that order has not been complied with. Similarly, the Second Appellate Authority has not appreciated the fact that the petitioner has sought the information about one and the same subject and not about the different subject. In fact, information in Points No. 1 to 24 demanded by him pertain to same subject. Therefore, the order passed by the State Information Commission is not an appropriate order and it has been passed without application of his mind. The Appellate Authority has got himself confused about the subjects and the issues raised in the application.

5. As can be seen from the order of the Second Appellate Authority he has passed an order, wherein it has been stated that as

per Rule 3(c) of The Maharashtra Right to Information (Amendment) Rules, 2012, the application is to be restricted to one subject and 150 words. The information sought should not be beyond 150 words and based on different subjects therefore, in view of the limitation imposed on the right of a person seeking information, the information sought by the petitioner was based on more than one subject and beyond 150 words, therefore, it was directed that the information regarding first issue in his application should be made available to him within 15 days and without charging for the same, accordingly, the second appeal has been disposed of.

6. Learned AGP for respondents-State has opposed the prayer made by the petitioner and has relied upon The Maharashtra State Information Rules, 2012, more particularly, she has relied upon Rule 3(a), which reads thus :

“[३-अ. एक विनंती अर्ज केवल एक विषयाशी संबंधित असणे. - अधिनियमाच्या कलम ६ अन्वये माहिती मिळण्यासाठीचा लेखी विनंती अर्ज एकाच विषयाशी संबंधित असावा आणि त्यात सर्वसाधारणपणे दीडशेपेक्षा अधिक शब्द नसावेत. अर्जदाराला एकापेक्षा अधिक विषयांची माहिती हवी असेल तर तो त्याकरिता स्वतंत्र अर्ज करील :

परंतु, एकापेक्षा अधिक विषयांशी संबंधित विनंती अर्ज केला असेल अशा प्रकरणी, जन माहिती अधिकारी, केवळ पहिल्या विषयाशी संबंधित विनंतीबद्दलच माहिती देईल आणि इतर प्रत्येक विषयाकरिता स्वतंत्र विनंती अर्ज करण्याचा सल्ला, अर्जदाराला देईल.]”

7. Upon going through the above rule, I find that the order

passed by the Second Appellate Authority is very much in consonance with the said rule. The order passed by the State Information Commission, being in consonance with the rules, he has not committed any sort of error in passing the impugned order. The Second Appellate Authority has passed appropriate order in accordance and within the framework of rules. Therefore, it does not need any interference.

8. In view of the observations made above, I do not find any error in the impugned order. Hence, following order.

ORDER

Writ Petition is dismissed.

(MANJUSHA DESHPANDE, J.)

Omkar Joshi