



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO.10181 OF 2023

Abdul Karim Kasam Kachi

Age : 66 Years, Occu : Business,

R/o. Near Madina Mosque,

Dangpura, Yawal,

Tal. Yawal, Dist. Jalgaon

... Petitioner

Versus

1. The State of Maharashtra,
Through Principal Secretary,
General Administrative Department,
Mantralaya, Mumbai.
 2. State Information Commission,
Bench at Nasik,
Pinacal Mall, 4th Floor,
Near Trimbak Signal, Old Agra Road,
Nasik, Tal. & Dist. Nasik
 3. National Education Society, Yawal,
Tal. Yawal, Dist. Jalgaon
Through President,
Haji Shabbir Khan Mohammad Khan,
Age : 78 years, Occu : Agriculture,
R/o. Kazipura, Yawal,
Tal. Yawal, Dist. Jalgaon
 4. National Education Society, Yawal,
Tal. Yawal, Dist. Jalgaon,
Through Secretary,
Zafarulla Khan Haji Amanulla Khan,
Age : 65 years, Occu : Pensioner,
R/o. Aksa Nagar, Tal. Yawal, Dist. Jalgaon
- ... Respondents

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Shri. N. R. Shaikh a/w. Shri. F. N. Shaikh, Advocates for the Petitioner

Shri. B. A. Shinde, AGP for the Respondent – State.

Shri. L. V. Sangit, Advocate for Respondent Nos.3 and 4

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CORAM : NEERAJ P. DHOTE, J.
RESERVED ON : 07.11.2025
PRONOUNCED ON : 14.11.2025

ORDER :-

. This is the Writ Petition under Article 227 of the Constitution of India against the Order dated 19.11.2019 passed by the Respondent No.2 – State Information Commissioner dismissing the Appeal preferred by the Petitioner under the provisions of the Section 19(3) of the Right to Information Act, 2005.

2. Heard the learned Advocate for the Petitioner and the learned Advocate for the Respondent Nos.3 and 4 i.e. contesting Respondents. The learned AGP appears for the Respondent Nos.1 and 2.

3. It is submitted by the learned Advocate for the Petitioner that, the Petitioner was life member of the Respondent Nos.3 and 4 – Society. The Petitioner asked the Public Information Officer of the Society the information in respect of grant received, how the grant was expended and what balance was remaining with the Society and other information. The Respondent No.4 – Secretary of the Society deliberately not provided the information and therefore, the Petitioner preferred the First Appeal, which came to be dismissed for want of jurisdiction. The Petitioner preferred the Second Appeal before Respondent No.2 – State Information Commissioner, which also came to

be dismissed and therefore, this Petition. He further submitted that, as per the communication dated 16.03.2021 issued by the Deputy Education Officer (Primary) of Zilla Parishad, Jalgaon, the Primary School run by the Respondent Nos.3 and 4 was receiving 100% grant, whereas in the Affidavit-in-reply by the Respondent Nos.3 and 4 they denied of receiving any grant from the Government to the Society. The impugned orders are liable to be set aside in view of the provisions of the said Act. In support of his submissions, he cited the Judgments in *People Welfare Society vs. State Information Commissioner, Nagpur Bench, Nagpur and Ors, AIROnline 2024 Bom 262*, AND *D.A.V. College Trust and Management Society and Ors vs. Director of Public Instructions and Ors, AIROnline 2019 SC 1059*.

4. It is submitted by the learned Advocate for the contesting Respondent Nos.3 and 4 that, the impugned order was passed on 19.11.2019 and the Writ Petition is presented in July-2023 and therefore, it is liable to be dismissed on the ground of delay and laches. The prayers in the Petition are vague as the impugned order was passed in as many as 6 (six) Appeals. The impugned order show that, the Petitioner remained absent during the Appeal proceedings and the Respondent Nos.3 and 4 submitted their response. In the avernments in the Reply-affidavit filed by the Respondent Nos.3 and 4, it is categorically stated that, the deponent Society appeared for hearing on

19.11.2019 along with their covering letter submitted all necessary documents as demanded by the Petitioner therein. Information asked was in respect of the grant received by the Society and not by the School. The grant is not given to the Society and it is given to the School. Therefore, no fault can be found with the impugned order.

5. Perused the papers on record. The pleadings in the Petition show that, the Petitioner is the life member of the Respondent No.3 – Society. As per the pleadings of the contesting Respondent Nos.3 and 4, the Petitioner is in the rival group of the Society. The impugned Order passed by the Respondent No.2 – State Information Commissioner is dated 19.11.2019. The papers on record go to show that, in the year 2023 challenge was raised by the Petitioner to the State Commissioner's Order in Writ Petition No.6789/2023 before the Division Bench, which came to be disposed off as withdrawn with liberty to file the Petition before the learned Single Judge and thereafter, this Petition is filed in July-2023. From this, the submission by the learned Advocate for the Respondent No.3 and 4 that, there is delay on the part of the Petitioner to challenge the impugned order cannot be said to be without substance. Be that as it may.

6. The Judgment in *D.AV College Trust and Management Society (supra)* relied by the learned Advocate for the Petitioner is

considered by this Court in *People Welfare Society (supra)*, which is the Judgment of Full Bench of this Court. The point of reference before the Full Bench was '*Whether a public Trust registered under the provisions of Maharashtra Public Trusts Act 1950, and running an institution, that receives grant from the State is duty bound to supply information sought from it under provisions of RTI Act, 2005.*' The question is answered that, '*If the information solicited under the RTI Act, is regarding the Public Trust, then there is no obligation to supply the information, if such public trust, does not fall within clause (i) of sec.2 (h) of the RTI Act and has not received any substantial Government largesse or land on concession, to implement the aims and objects of the said Public Trust. The Charity Commissioner, would also not be legally obliged to supply such information, which may be collected by him, in respect of the Public Trust, under the provisions of the Maharashtra Public Trusts Act, in case such information falls under the exempted category mentioned in Section 8 (j) of the Act and the demand does not have statutory backing. In case the information solicited does not fall in the exempted category under sec.8 of the RTI Act, then information as submitted to the Authorities under the provisions of the Maharashtra Public Trusts Act, under its various provisions by the Public Trusts, can be supplied by the authority who has the custody of such information.*'

7. The information sought by the Applicant – Petitioner under the

Right to Information Act was '*how much amount was balance in the bank account of the National Education Society (Respondent No.3) from 1984 to 2017 with statement and how much grant was received from the Government from the year 1984 to the end of 2017 and how it was spent, with list and copy of Resolution and bills and quotation with dates*'. The impugned order show that, the Respondent No.2 found the information sought by the Petitioner to be vague and elaborate. The said finding cannot be faulted. Further, the impugned order records the finding that the Appellant i.e. Petitioner, did not attend the hearing of the Appeal on 19.11.2019, whereas the Respondents in the Appeal were present before the Appellate Authority. The impugned order show that, the Appellate Authority considered the matter in the light of the material available before it.

8. In the backdrop of the facts and circumstances of the case, no interference is called for in the impugned order and the Petition fails. Hence, the following order :-

ORDER

(i) The Writ Petition is dismissed.

(NEERAJ P. DHOTE, J.)

GGP