

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13411 OF 2024

Modern Education Soc Thr its Trustee Ashok S ...Petitioner
Chandak

Versus

The State of Maharashtra Thr its Secretary and Ors ...Respondents

Mr. Yuvaraj Narvankar i/b. Neha Wadekar, for Petitioner.
Mr. Y.D. Patil, AGP for State.

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : NOVEMBER 19, 2025

ORDER :

1. Rule. By consent, made returnable forthwith and the Petition is taken up for final hearing by consent of the parties.
2. The primary ground on which the impugned order dated July 26, 2024 and the underlying order dated April 29, 2024 (“*Impugned Orders*”) are challenged is that the Petitioner does not fall within the ambit of the term “public authority” as defined in Section 2(h) of the Right To Information Act, 2005 (“*the RTI Act*”).
3. On the face of the record, the Impugned Orders contain no explanation as to how the Petitioner fell into the ambit of ‘public authority’ for a direction under the RTI Act to be within jurisdiction. It

is unclear as to the extent of financial support that the Petitioner receives, even towards salary grant in respect of its employees, and whether this can be considered substantial.

4. Since none of these facts are available on record, and there is no discussion in the impugned orders identifying the grounds on which the Petitioner was held to be a public authority, the impugned orders are hereby quashed and set aside.

5. The complainant is granted liberty to approach the authorities under the RTI Act to explain how the Petitioner falls within the ambit of Section 2(h). The authorities under the RTI Act, if presented with such an explanation, shall pass a reasoned order detailing the means by which they would hold the Petitioner to be substantially financed or controlled by the State in order to fall within the ambit of the term “public authority”.

6. The authorities under the RTI Act shall be entitled to seek information from the Petitioner on its finances, to be able to demonstrate, one way or the other, whether or not the Petitioner falls within the ambit of the public authority.

7. Therefore, the Petition is ***allowed***, quashing and setting aside the Impugned Orders. Rule is made absolute in the aforesaid terms.

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]