

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14406 OF 2024**

Dr. Sanjay Shridhar Andhare & Anr.	...Petitioners
Versus	
The State of Maharashtra	
Through its Chief Secretary & Ors.	...Respondents

Dr. Uday Warunjikar a/w Mr. Sumit Kate i/b Mr. Aditya Kharkar for petitioners.
Mr. Kedar Dighe, Addl. G.P. a/w Ms. Savita Prabhune, A.G.P. for Respondent No.1-State.
Mr. V.V. Purwant for Respondent No.6.

**CORAM : G.S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 30 JANUARY 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed by the petitioners praying for the following substantive relief:-

“a) Be pleased to issue a writ in the nature of mandamus thereby directing the Respondent No.1 to 5 and 7 not to entertain the RTI applications/complaints filed by the Respondent No.6 or persons claiming through the Respondent No.6 against the petitioners or persons/doctors/staff associated with the petitioner no.2 hospital, under such conditions as this Hon’ble Court may deem fit and proper.”

2. At the outset it may be observed that the nature of relief which is sought is primarily against Respondent No.6, Mr. Sandip Chaturbhuj Sutar to the effect that his application under the Right to Information Act, 2005 (“**RTI Act**” for short) made against the petitioners ought not be entertained by Respondent Nos.1 to 5. In supporting such prayer, reliance is placed on the orders passed by Central Information Commission (“**CIC**”

in short) in the case of Ramesh Chand Jain Vs. Delhi Transport Corporation GNCTD, Delhi dated 25 June 2014 on File No.CIC/AD/A/2013/001326-SA. In such order, the CIC made certain recommendations on repeated RTI applications, amounting to harassment.

3. On a perusal of such recommendations, it is quite clear that if any application, which is not maintainable and or which is of a repeated nature, CIC has set out as to how such applications are required to be dealt. In such context, the CIC in paragraph no. 29 has observed that it is appropriate that guidelines are framed on such issue for prevention of misuse of the RTI machinery and accordingly made recommendation to the Ministry of Personnel and Training to consider the framing of such guidelines. Relying on such recommendations, the petitioners contend that considering the applications as made by respondent no.6, copies of which are annexed to the petition, this Court should issue directions that such applications ought not to be entertained and the petitioners shall not be called upon to answer such applications. In support of such prayer, reliance is placed on the Circular No.03/03/2017 dated 10 March 2017, issued taking into consideration the orders which are passed by the CIC in the case of **Ramesh Chand Jain** (Supra), in which CIC in paragraph no. 4 has stated that a decision has been taken that there is no scope of repeating

RTI Applications under the RTI Act, as a citizen has no right to repeat such application. The circular provides that the concerned CVOs will bring the said decision of the CIC, to the notice of all CIPOs/Appellate Authorities.

4. We have heard the learned counsel for the parties. At the outset, we may observe that on a plain reading of the relief itself makes it clear that the relief as prayed for is against the provisions of law, i.e., a writ of mandamus being prayed that the RTI applications against the petitioner or persons associated and in the present case, applications of respondent no.6 be not entertained. Such a wide relief cannot be granted in exercise of Article 226 of the Constitution of India and more particularly, the relief against the provisions of law, i.e., RTI Act. It is for the Authorities under the RTI to consider any such applications on merits having regard to the provisions of applicable laws as also binding instructions or notification(s) issued by the Central Government to deal with any such applications.

5. For the aforesaid reasons, we cannot entertain the petition. Petition is accordingly dismissed.

6. No costs.

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[ADVAIT M. SETHNA, J.]

[G.S. KULKARNI, J.]