



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 4433 OF 2019

Sanjay Shankarrao Bodadkar and another.

vs.

State Information Commissioner, Amravati and others

Mr. N. S. Kbubalkar, Advocate for petitioners.
Mr. D. P. Thakre, Additional Government Pleader for respondent no. 2.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 17th MARCH, 2025

P. C.

Heard.

2. The order impugned dated 01.11.2018 passed by the State Information Commissioner, is liable to be quashed and set aside for the following reasons:

(a) That the respondent no.3, who preferred Second Appeal before the State Information Commissioner, has himself not pressed the said appeal which fact was not taken into account by the respondent no.1.

(b) That at the most the State Information Commissioner could have restricted to exercise his power only to the extent of issuing directions to provide the information which was sought for thereby declaring that the information is required to be provided as the School in relation to which the information was sought, can be said to be a 'Public Authority' within the meaning of Section 2(h) of the Right to Information Act, 2005 (for short, 'the Act of 2005'). It is only after the failure of the Public Authority, it could have been held that the petitioners were entitled for the action under the Act of 2005.

3. That being so, the order impugned is hereby quashed and set aside.

4. It is open for the petitioners to withdraw the amount deposited by them with accrued interest, if any.

5. The petition stands allowed in the aforesaid terms. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)