IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29983 of 2026

[CNR No. ODHC010685292026]

Ajaya Kumar Sethy ... ... Petitioner

-Versus-

State of Odisha and others ... ... Opp. Parties

Advocates appeared in this case:

For Petitioner : Mr. Lalatendu Samantaray, Sr. Advocate
with Mr. Asutosh Sahoo, Advocate

For Opp. Parties : Mrs. Suman Pattanayak, Addl. Govt. Advocate (for O.P. Nos.1, 2 & 3)
Mr. Smruti Ranjan Dash, Advocate (for O.P. No.4)

CORAM:
THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Date of Hearing & Judgment:27.10.2026

MRUGANKA SEKHAR SAHOO, J.

1. Appearance memo of learned Sr. Counsel Mr. Samantaray shall be taken on record. Scanned copy be updated.

2. The petitioner has filed the writ application with the following prayers:

> *"…(i) To furnish complete information as per the representation dated 20.02.2020;*
> *(ii) To pass an appropriate order of punishment, penalty and compensation to the opp. Party for filing of false compliance report in CONTC No.1838 of 2026 (Arising out of W.P.(C) No.37667 of 2025);*
> *(iii) To quash the compliance report filed by the Opp. Party No.2 dated 14.05.2026 vide Annexure-1 Series;*
> *…"*

3. Essentially, the challenge in the writ petition is to the final order dated 21.06.2023 passed in First Appeal by the learned Odisha Information Commission. Though the contempt application CONTC No.1838 of 2026 [arising out of W.P.(C) No.37667 of 2025] has been disposed of and the proceeding has been dropped, a further prayer has been made in the writ application challenging the said order/seeking modification of the order dated 21.08.2026 passed in CONTC No.1838 of 2026. The third prayer made in the writ application is to quash the compliance affidavit filed by the opposite party in the contempt application CONTC No.1838 of 2026 after disposal of the said contempt application.

4. The petitioner was earlier also before this Court by filing writ application W.P.(C) No.20124 of 2016, which was disposed of by division bench by order dated 21.11.2019, wherein the following has been observed:

> *"By way of this writ petition, the petitioners challenged the action of the State Government in Department of Home in not mentioning about reservation and age relaxation in the OPSC*

Advertisement No.05/2016-17 dated 04.10.2016 meant for recruitment in respect of Public Prosecutors.

Since the relief sought for is against an advertisement of the year 2016 and there is no stay order and the recruitment has already been done, this writ petition has become academic.

Accordingly, the writ petition is disposed of as infructuous. However, it would be open for the petitioners to file fresh petition, if at all there is violation of Rules relating to recruitment of Public Prosecutor."

5. In considered opinion of this Court the prayers made at para-(ii) and (iii) of 'prayer' as quoted above are not maintainable after disposal of the contempt application by the coordinate Bench dropping/disposing the contempt petition.

Regarding the prayer made at para-(i) seeking a direction to furnish complete information as per the representation dated 20.02.2020, the order passed by the Odisha Information Commission, Bhubaneswar by decision of the learned State Chief Information Commissioner dated 04.05.2023 in Second Appeal No. 1238 of 2020 has to be taken note of. The operative portion of the said order extracted from the copy annexed to the writ application marked as Annexure-3 series is reproduced herein:

"4. Pursuant to the direction of the Commission dated 16.03.2023, the PIO has filed a detailed submission, in response to the points raised by the appellant in his counter submission dated 18.04.2023. He has submitted that since Home Department is the appropriate Administrative Department, with regard to the subject matter of the grievance petition dated 20.02.2020; hence it was forwarded to the Home

Department and OPSC, vide their letter dated 12.03.2020 and subsequently the RTI application was transferred to the PIOs, Home Department and OPSC, vide their letter dated 10.06.2020. As regards allegations relating to non-disposal of the first appeal petition, the PIO has clarified that the first appeal hearing was fixed on 15.01.2021 and accordingly, first appeal intimation dated 08.01.2021 was sent through speed post on 11.01.2021, to the appellant. In the said intimation dated 08.01.2021, the PIO(N) GA&PG Department stated the following:

> *"I am directed to invite reference to the subject cited above and to say that your appeal could not be heard in time due to restriction on entry of outside person to the Lokaseva Bhawan on account of COVID-19 which is still in force. The case has been fixed for hearing on 15.01.2021 at 12:30 P.M. You are requested to submit your presentation or documents to the e-mail ID piogapgrti@gmail.com or by post on or before 14.01.2021 to the under signed."*

Thereafter, the order of the First Appellate Authority dated 15.01.2021 was communicated to the appellant, vide their letter dated 25.01.2021 through speed post on 28.01.2021. However, the Commission takes a serious view of the fact that the first appeal intimation was sent only on 11:01.2021, when the first appeal hearing was posted to 15.01.2021, without giving adequate time to the appellant, for which the concerned First Appellate Authority is directed to exercise due diligence in handling RTI matters.

5. The Commission, after taking into account the submissions of both the parties and after perusal of records observes that the appellant in this case had sought action taken report of the government/pertaining to his representation dated 20.02.2020. Since the respondent PIO has submitted that the subject matter of the grievance petition relates

to the Home Department, which is the appropriate administrative Department and the matter was forwarded/transferred to the Home Department; hence the appellant shall be at liberty to file his first appeal before the concerned First Appellate Authority, Home Department, within one month of receipt of this order, enclosing a copy of this order. On receipt of the such first appeal from the appellant, the First Appellate Authority, Home Department shall condone the delay in filing such appeal and shall dispose of the first appeal, as per the provisions under the Act.

6. However, the Commission takes note of the delay caused in transfer of the appellant's Form-A application, which should have been done within 5 days of receipt of the Form-A application, under Section 6(3) of the Act for which the concerned PIO is severely warmed for such delay, to be prompt in handling RTI matters. The Present PIO, GA&PG Department shall communicate a copy of this order to the concerned PIO within one week of receipt of this order.

7. With the above observations and directions, the case is hereby closed and the subject second appeal case stands disposed of."

6. Learned Sr. Counsel for the petitioner relies on paragraph-4 of the order to submit that the petitioner herein should have been awarded compensation/cost as contemplated in the statute.

7. In the context of the said submission, it has to be observed that the learned Information Commission in the Second Appeal has given a finding of fact regarding supply of information to the petitioner.

This Court in exercise of jurisdiction under Articles 226 and 227 of the Constitution of India cannot go into the said aspect.

8. The Hon'ble Supreme Court in ***Dollar Company v. Collector, Madras:AIR 1975 SC 1670*** have held at paragraph-4, which is reproduced below:

> *"... Moreover, there is a prudent condition to which the appellate power, generally speaking, is subject. A court of appeal interferes not when the judgment under attack is not right but only when it is shown to be wrong. ..."*

This Court does not find that the decision of the State Information Commission is incorrect in any manner, therefore applying the principles as laid down in ***Dollar Company*** *(supra)*, it has to be and it is held that the order passed by the learned Information Commission needs no interference.

9. In view of the above, the writ application is disposed of, the petitioner not being entitled to any relief sought for.

(Mruganka Sekhar Sahoo)
Judge

Orissa High Court, Cuttack
The 27th October, 2026/Radha

Signature Not Verified
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Reason: Authentication
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