



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

WRIT PETITION NO.2579 OF 2026

Janta Vikaas Bahuudheshiya Shikshan
Prasarak Mandal, Harsul,
Chhatrapati Sambhajinagar Sanchalit Schools,
New Symbiosis English School &
Vishwabharti Convent Vidyalaya, Harsul,
Through its President
Vilas s/o. Girjaram Jadhav
Age : 48 Years, Occ. Private Service,
r/o. Bhagatsingh Nagar, Harsul,
Tq. and Dist. Chh. Sambhajinagar

..Petitioner

Vs.

1. The State of Maharashtra
2. The Education Officer (Primary),
Zilla Parishad, Chh. Sambhajinagar
3. Rahul s/o. Dinkar Wahule,
Age : Major, Occ. Nil,
r/o. Plot No.19/20,
Subedar Ramji Nagar, Misarwadi,
Chh. Sambhajinagar,
Tq. and Dist. Chh. Sambhajinagar

..Respondents

Mr.A.R.Tapse, Advocate h/f. Mr.D.B.Pokale, Advocate for petitioner
Mr.S.K.Tambe, Addl. Govt. Pleader for respondent no.1
Mr.S.R.Dheple, Advocate for respondent no.2

**CORAM : SMT.VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.
DATE : APRIL 23, 2026**

ORDER :-

Present petition has been filed to challenge the communication dated 08.12.2025 and to direct the respondent no.2 not to entertain any similar type of application in view of the directions issued by this court in Writ Petition No.2492 of 2024 by order dated 23.10.2024 as well as Government Resolutions dated 17.10.2014 and 18.02.2025. Consequential prayer has also been made.

2. Heard Mr. Tapse h/f. Mr.Pokale, learned counsel for the petitioner; Mr.Tambe, learned AGP for respondent no.1; and Mr.Dheple, learned counsel respondent no.2. No necessity to issue notice to respondent no.3.

3. The petitioner is a Public Trust as well as a Society registered under the respective enactments. It has come with a case that the respondent no.3 has filed a number of applications for seeking information under Section 6(1) of the Right to Information Act, 2005. According to the petitioner, the respondent no.3 has no *locus standi* to file such application. The petitioner had communicated to respondent no.3 about the same, however, the

respondent no.2 has unnecessarily taken cognizance of the communication made by respondent no.3 to him and had issued the directions in the impugned communications.

4. Learned counsel for the petitioner by relying upon the the decision of this Court in the case of **Nishant Namdeorao Gatkai and anr. Vs. The State of Maharashtra and ors., (Writ Petition No.2492 of 2024) decided on 23.10.2024** as well Government Resolution dated 18.02.2025 submits that respondent no.2 ought not to have taken cognizance of the communications made by respondent no.3 to the office of respondent no.2. Hence, the petitioner – Trust is constrained to come before this court.

5. The first and foremost fact that is required to be noted is that the respondent no.3 appears to have given the application dated 20.08.2025 to the petitioner under Section 6(1) of the R.T.I. Act. Another application appears to have been given on 12.09.2025. According to the petitioner, for both the applications, the petitioner has given reply to respondent no.3 on 07.10.2025. Now, when the respondent no.2 had invoked the provisions of the R.T.I. Act and if he was not satisfied with the answer given by the petitioner in reply dated 07.10.2025, he was free to adopt the provisions under to R.T.I. Act. However, it appears that the respondent no.3 made certain

communications to respondent no.2, whereupon, respondent no.2's office called explanation from the petitioner by letter dated 24.10.2025. It appears that to this letter also, explanation has been given by the petitioner by letter dated 18.11.2025. Thereafter also, it appears that the respondent no.3 continued to file various applications with the respondent no.2 and when there was no positive response as per his own satisfaction, the respondent no.3 appears to have threatened to go on hunger strike, as is apparent from the communication dated 02.12.2025 to respondent no.2. Here, we would like to state that the respondent no.2 need not react immediately but can advise the aggrieved party to take appropriate proceedings. Accordingly, ultimately, it appears that by communication dated 08.12.2025, the respondent no.2 had communicated the petitioner that he should adopt the procedure as prescribed under the provisions of the R.T.I. Act. It is then stated that as the first appellate authority under the R.T.I. Act, the hearing would take place on 12.12.2025. Thus, when the provisions of the Act are invoked, this court would not interfere.

6. The petitioner wants to protect the information which the respondent no.3 wanted as it would be the personal information of the concerned students and this can be seen from the other

documents tried to be produced on record. The letters from the parents of the students have been taken by the petitioner stating that they have objection to supply the information regarding their ward. Here, it is important to note that when the petitioner rejected the applications dated 20.08.2025 and 12.09.2025 by communication dated 07.10.2025, it has not been stated that they have been rejected on the ground that it pertains to the personal information of the students. If the application was not as per the provisions under Section 6 of the R.T.I. Act, then the concerned Information Officer would be justified in rejecting the application. That precaution ought to have been taken by the petitioner while making the communication dated 07.10.2025.

07. The co-ordinate bench of this Court in **Nishant Namdeorao Gatkai and anr.** (supra) had given directions to the Education Department that it should refrain from entertaining the complaints/applications/representations or of threats by unconnected people, more so, in view of the Notification dated 03.12.1958, Circular dated 26.12.2019 and Government Resolution dated 14.10.2019. As a result of this decision, the Government Resolution dated 18.02.2025 was issued. Here, from the impugned communication dated 08.12.2025 issued by respondent no.2, it can

be seen that the respondent no.2 want to act in her capacity as the first appellate authority under the R.T.I. Act. Therefore, if the said petition or application is still pending, this court cannot issue directions to the respondent no.2 for not to go ahead with the matter. However, the respondent no.2 is bound to consider the legal provisions under the R.T.I. Act.

8. Under such circumstances, we do not find this would be a fit case where we should exercise our powers under Article 226 of the Constitution of India. We dispose of the Writ Petition with observation that if the matter is still pending by way of appeal before respondent no.2 in the capacity as the first appellate authority under the R.T.I. Act, then respondent no.2 should consider the observations from this order as well as the judgments and the provisions under the R.T.I. Act. In that event, we quash and set aside the order dated 18/19-11-2025 given by respondent no.2 to the petitioner.

[AJIT B. KADETHANKAR, J.]

[SMT.VIBHA KANKANWADI, J.]

KBP

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