

Court No. - 34

Case :- WRIT - C No. - 15421 of 2008

Petitioner :- M.J.P. Rohilkhand University And Thru' Its Registrar

Respondent :- State Information Commission And Others

Petitioner Counsel :- Neeraj Tiwari

Respondent Counsel :- Sc

Hon'ble Prakash Chandra Verma,J.

Hon'ble Ram Autar Singh,J.

By means of present writ petition under Article 226 of the Constitution of India, the petitioner has prayed for a writ of certiorari quashing the orders dated 20.11.2007 and 04.01.2008 passed by the State Information Commission, U.P., Lucknow.

The facts of the present case as narrated in the writ petition are that complainant, the respondent no.3 submitted applications under Section 6 of the Right to Information Act, 2005 obtaining certain information before the Registrar of the University, but due to un-avoidable circumstances the same could not be provided within time. Aggrieved thereby, the complainant preferred an appeal under Section 19(1) of the Act before the Vice Chancellor of the University and the information has been provided to the complainant. Thereafter complainant being un-satisfied filed another appeal before the State Information Commission under Section 19(3) of the Act. Since all the informations have been provided to the complainant as was required and this fact has been brought to the notice of the Commission, inspite of that the Commission has passed the impugned orders.

Learned counsel for the petitioner contded that since the petitioner has provided all the information as required by the complainant, therefore imposition of penalty on the petitioner is wholly bad in law, as the perusal of the impugned order reveals that nothing has been stated that why this penalty has been imposed except the fact that petitioner could not appear on earlier occasion before the Commission.

Heard learned counsel appearing on behalf of the parties.

This Court while entertaining the writ petition after hearing learned counsel for the parties has granted interim order in

favour of the petitioner on 20.03.2008, which is still continuing. The contention advanced by the petitioner appears to be genuine one. Thus, having gone through the materials on record as well as the interim order granted by this Court, we dispose of the writ petition in terms of the interim order. No order as to costs.

Order Date :- 07.09.2010.

Rks.