
(2015) 03 AHC CK 0076

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 12817 of 2015

Kusumakar Dubey

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 10-03-2015

Acts Referred:

Right to Information Act, 2005 — Section 27

Citation : (2015) 3 ADJ 183 : (2015) 2 ESC 1202

Hon'ble Judges : Vimlesh Kumar Shukla, J; H.G. Ramesh, J

Bench : Division Bench

Advocate : Sudhakar Pandey, for the Appellant; M.C. Chaturvedi, Advocates for the Respondent

Judgement

1. Kusumakar Dubey, petitioner is before this Court with a request to issue writ in the nature of mandamus directing the opposite parties to furnish information/documents as required by petitioner under the Right to Information Act, 2005 in respect of inquiry report dated 9.6.1987, as early as possible within a reasonable time. Right to Information Act, 2005 is self contained Act and therein specific provision has been provided for that within the prescribed time limit in case requisite information has not been furnished, appeal in question should be filed. Similarly within the time prescribed in case appeal in question has not been decided then Second appeal should be preferred.

Once Right to Information Act, 2005 is self contained Act then petitioner should pursue his remedy provided under law.

2. Petitioner in the present case has tried to mention that he has preferred second Appeal. In the said direction this Court has proceeded to peruse the record, and we find that simple representation has been moved before the Second Appellate Authority and the said representation in question cannot be equated with second appeal in question as has to be filed as per Rules. In exercise of powers under Clauses (e) and (f) sub-section (2) of Section 27 of the Right to Information Act, 2005, Rules have been framed known as U.P. State

Information Commission (Appeal Procedure) Rules 2006 and as per the said Rules in question, Rule 3 provides contents of appeal in question and the said appeal shall be moved on the prescribed format as is provided under the sub-rule (a) to (h) of Rule 3 of 2006 Rules.

Once such is the factual situation that second appeal in question has not been moved as per prescribed format then this Court cannot come to the rescue and reprieve of the petitioner.

Consequently writ petition in the format in which it has been framed and drawn is dismissed. However dismissal of present writ petition will not prevent the petitioner to pursue his remedy as is available under the Right to Information Act.

This order has been passed in presence of Sri M.C. Chaturvedi Advocate.