
(2021) 01 UK CK 0071
In the Uttarakhand High Court
Case No : Special Appeal No. 03 Of 2021

Mahendra Kumar

APPELLANT

Vs

State Information Commission Of Uttarakhand And 4 Others

RESPONDENT

Date of Decision : 14-01-2021

Acts Referred:

Right To Information Act, 2005 — Section 19, 20

Citation : (2021) 01 UK CK 0071

Hon'ble Judges : Raghvendra Singh Chauhan, CJ; Alok Kumar Verma, J

Bench : Division Bench

Advocate : Atul Kumar Bansal, J.C. Pande

Final Decision : Dismissed

Judgement

Raghvendra Singh Chauhan, CJ

1. The appellant has challenged the legality of the order dated 23.12.2020, passed by the learned Single Judge, whereby the learned Single Judge had

dismissed the writ petition, inter alia, on the ground that the appellant-writ petitioner does have an alternative remedy available to him. Therefore, the

writ jurisdiction should not be invoked.

2. The learned counsel for the appellant, submits that, according to the learned Single Judge, the alternative remedy is one available under Section 19

of the Right to Information Act, 2005 (â??the Actâ?? for short). However, the alternative remedy is not under Section 19 of the Act. Therefore, the

order passed by the learned Single Judge needs to be interfered with.

3. Heard the learned counsel for the appellant.

4. Although, the learned counsel for the appellant is correct in contending that the alternative remedy is not available under Section 19 of the Act, but

the alternative remedy is available under Section 20 of the Act. Even then, the order passed by the learned Single Judge need not be disturbed by this

Court. For merely mentioning of a wrong provision of the Act, it would not vitiate the order passed by the learned Single Judge. Since the appellant

has an alternative remedy available under Section 20 of the Act, instead of approaching this Court, the appellant should have invoked his remedy under

Section 20 of the Act.

5. For the reasons stated aforesaid, this Court does not find any illegality in the order passed by the learned Single Judge. The appeal is devoid of

merit. It is, hereby, dismissed.

6. Pending application, if any, stands rejected. (Raghvendra Singh Chauhan, C.J.)