
(2008) 12 BOM CK 0079
In the Bombay High Court
Case No : Writ Petition No. 5262 of 2008

Manohar

APPELLANT

Vs

The State of Maharashtra and Others

RESPONDENT

Date of Decision : 18-12-2008

Acts Referred:

Citation : (2008) 12 BOM CK 0079

Hon'ble Judges : N.D. Deshpande, J; J.N. Patel, J

Bench : Division Bench

Advocate : Sudhir Bhalerao, for Mr. V.P. Latange, for the Appellant; Dilip Patil, A.G.P., for the Respondent

Final Decision : Dismissed

Judgement

1. Heard. Petitioner has impugned the order dated 26.2.2008, passed by the State Information Commissioner who is an appellate authority under the Right to Information Act at Aurangabad. The petitioner, at the relevant time, was posted as Superintendent, State Excise. Respondent No. 2 filed an application under the Right to Information Act, seeking certain information. Petitioner having failed to furnish the information within stipulated period as provided under the Act, led Respondent No. 2 to approach the State Commission for Information, which resulted in passing impugned order.

2. It is the contention of learned counsel for the Petitioner that the information could not be furnished to Respondent No. 2, on the ground that application of Respondent No. 2 seeking information was general and vague and it was of such magnitude that the information could not be furnished within stipulated time and the same was communicated to Respondent No 2.

3. What we find from the correspondence annexed to the petition is that initially, petitioner conveyed to Respondent No. 2 that the information is being collected from various departments under him and would be furnished to Respondent No. 2 as and when made available. Thereafter also, petitioner assured Respondent

No. 2 that his application is being processed. It is only after expiry of 30 days that the petitioner informs Respondent No. 2 that his application is general in nature and too vague and that the information of such magnitude nature cannot be provided.

4. In our view, the petitioner ought to have passed appropriate orders in the matter, rather than keeping Respondent No. 2 waiting.

5. Learned counsel for the petitioner now informs us that the petitioner has been entrusted with charge of appellate authority, after he has been promoted and he is seized with the matter.

6. We are afraid, that the petitioner would not be able to deal with the appeal, in which he has been reprimanded by the State Commissioner and sit over his own order which was under challenge. We do not find any merits in the petition. Hence, the petition stands dismissed.