



2026:CGHC:10541

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 500 of 2022**

Office Of Advocate General Through The Under Secretary, High Court Premises,
Bodri, District- Bilaspur, Chhattisgarh.

... Petitioner**versus**

1 - Chhattisgarh State Information Commission Through Chief Information
Commissioner, Atal Nagar, Nava Raipur, District- Raipur, Chhattisgarh.

2 - Smt. Jaya Agrawal R/o Village Panchayat Lingiyadih, Durganagar 04 Ward 52,
Bilaspur, District- Bilaspur, Chhattisgarh.

... Respondents

For Petitioner : Mr. Anand Dadariya, Dy. Advocate General
For Respondent No.1 : Mr. Shyam Sunderlal Tekchandani

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****28.02.2026**

1. With the consent of both the parties, the matter is heard finally.
2. The petitioner has preferred this petition under Article 226 of the Constitution of India, seeking following relief(s):-

"i. To kindly call for the records of the case from the respondents.

ii To kindly quash the order dated 23/11/2021 passed by the respondent No.01 in the Appeal Case No.A/453/2021 (Annexure-P/1)

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iii To kindly restrain the respondent No.1 to entertain an appeal against the office of the Advocate General.

iv To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.”

3. Learned counsel for the petitioner submits that respondent No.2 filed application dated 17.02.2020 under Section 6(1) of the Right to Information Act, 2005 (for short ‘the Act 2005’) seeking attested copy of the gradation list of Class-IV employees/peon posted in the O/o. Advocate General. Learned counsel for the petitioner, while referring to Annexure-P/12 dated 04.6.2021 issued by Law and Legislative Affairs Department, Govt. of Chhattisgarh, submits that gradation list of Class-IV employees working in the O/o. Law Department and O/o. Advocate General is maintained by the Law and Legislative Affairs Department, Govt. of Chhattisgarh, hence, the petitioner has no authority to provide information sought by respondent No.2. Learned counsel for the petitioner referring to judgment of **Union of India through the Secretary, Ministry of Law & Justice, 2017 SCC OnLine Del 6813**, would submit that O/o. Advocate General is not a public authority, rather its duty is to advise the Government and represent the Government before the High Courts/Supreme Court, as such, relation between them is fiduciary in nature. Therefore, O/o. Advocate General does not fall within the definition of “Public Authority” as contemplated under Section 2(h) of the Act, 2005, hence, it is prayed that this petition may be allowed by quashing the impugned order.

4. In reply, learned counsel for respondent No.1 referring to its reply submits that information sought from the O/o. Advocate General/petitioner does not pertain to any legal advice or any case, rather information sought by respondent No.2 is only with regard to providing attested photocopy of the

gradation list of Class-IV employees working in the O/o. Advocate General, therefore, aforesaid judgment is not applicable in the instant case. However, learned counsel for respondent No.1, upon perusal of Annexure-P/12 submits that gradation list of Class-IV employees posted in the O/o. Advocate General is maintained by Law and Legislative Affairs Department, Govt. of Chhattisgarh.

5. Notice issued to respondent No.2 has not been served to her as she is not residing in the given address.

6. Heard learned counsel for the parties and perused the material available on record.

7. Though respondent No.2 is the main aggrieved party, who sought subject information from the O/o. Advocate General, but she has not been served with notice, as it has been reported that she is not residing in the given address. But the issue involved in the case is whether O/o. Advocate General/petitioner is liable to provide information sought by respondent No.2 or not. In this regard, communication dated 04.6.2021 (Annexure-P/12) made by Law and Legislative Affairs Department, Govt. of Chhattisgarh to the Advocate General, Bilaspur, demonstrates that gradation list of the Class-IV employees posted in the O/o. Advocate General is maintained by the Law and Legislative Affairs Department, Govt. of Chhattisgarh. This implies that the documents sought by the respondent No.2/applicant are not maintained by the O/o. Advocate General, rather it is maintained by the Law and Legislative Affairs Department, Govt. of Chhattisgarh. Therefore, impugned order dated 23.11.2021 (Annexure-P/1) passed by Chief Information Commissioner, Raipur directing the petitioner to provide information sought for by respondent No.2 is set aside. However, the observation made by the Chief Information Commissioner in the impugned order that O/o. Advocate

General falls within the ambit of Section 2(h) of the Act 2005 or not, need not be decided in the facts and circumstances of the present case.

8. In view of the above discussion, impugned order dated 23.11.2021 (Annexure-P/1) is set aside/quashed. However, liberty is left with respondent No.2 to file fresh application before the Law and Legislative Affairs Department, Govt. of Chhattisgarh with regard to information sought by her.

9. With the aforesaid direction, this writ petition stands allowed.

10. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge