



Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6046 OF 2009

Ansari Maryam Zainulabdin	... Petitioner
V/s.	
Shaikh Mustafa Shaikh Chand	... Respondent

WITH
WRIT PETITION NO.6561 OF 2009

Ansari Maryam Zainulabdin	... Petitioner
V/s.	
Shafik Ahmed Moh. Shafi	... Respondent

Mr. N. R. Bubna, for the Petitioner in both WPs.

CORAM : AMIT BORKAR, J.

DATED : APRIL 1, 2026

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- 2.** The present petitions challenge the order passed by the State Information Commissioner in exercise of powers under Section 19(3) of the Right to Information Act, 2005. Respondent No.1, by an application dated 22 June 2007, sought information pertaining to the period from 1999 to 2007 in respect of the School Committee, including its agenda, proceedings of all meetings, names of members who attended such meetings, and details regarding implementation of the decisions taken by the School Committee. As the said information was not furnished, further



proceedings ensued.

3. Respondent No.1, therefore, preferred an appeal on 24 July 2007, which remained pending. Thereafter, a second appeal came to be filed on 3 September 2007. When the said second appeal was listed for hearing on 31 March 2009, Respondent No.1 remained absent, whereas the authorised representative of the petitioner was present.

4. It was contended on behalf of the petitioner before the Second Appellate Authority that the information sought was voluminous in nature and, therefore, considerable time was required to compile and furnish the same. It was further submitted that the documents available with the petitioner were in Urdu, whereas Respondent No.1 had sought copies in Marathi, thereby necessitating translation. However, the Second Appellate Authority, without assigning any reasons, proceeded to pass the impugned order directing the petitioner to furnish translated copies of the documents and further directing initiation of a departmental enquiry against the Chairman of the School.

5. During the pendency of the present petitions, the direction pertaining to the departmental enquiry was stayed. It is not in dispute that the Headmistress has since retired. In view of the applicable service rules, no departmental enquiry can be initiated against a retired employee. Accordingly, the impugned order, to that extent, has become infructuous. Apart from this, this Court finds that the Second Appellate Authority does not possess the power to direct initiation of a departmental enquiry.



6. By the impugned order, the Second Appellate Authority had also imposed costs of Rs. 25,000/- upon the petitioner.
7. Having regard to the nature of the information sought, and the voluminous record involved, this Court is of the view that the imposition of costs of Rs. 25,000/- was unjustified.
8. Hence, the Rule deserves to be made absolute in terms of prayer clause (a).
9. The amount deposited by the petitioner shall be refunded along with accrued interest, if any.
10. Both the writ petitions stand disposed of.
11. There shall be no order as to costs.
12. Pending interim application, if any, stands disposed of.

(AMIT BORKAR, J.)