

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 477 of 2011

Kaushal Kishore Thakur, S/o Late Uma Nath Thakur,
Resident of North office Para, P.O. & P.S. Doranda,
District-Ranchi.

..Petitioner.

Versus

1. The State of Jharkhand.
2. The Deputy Commissioner, Ranchi at Collectorate Complex, Kutchery Road, P.O.-G.P.O., P.S.-Kotwali, District-Ranchi
3. The District Treasury Officer, Ranchi at Collectorate Complex, Kutchery Road, P.O.-G.P.O., P.S.-Kotwali, District-Ranchi.
4. Sunerpati Devi, W/o Sri Shatrughan Shah, Resident of J.P. Market, P.O. & P.S. Dhurwa, District-Ranchi.

....Respondents.

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Ms. Snehlika Bhagat, Amicus Curiae
For the Respondents : Mr. Shushant Shekhar, A.C to AAG-V

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08/15.10.2025 Heard learned Amicus Curiae and learned counsel for the Respondents.

2. The writ application has been preferred by the Petitioner praying for quashing the order dated 06.12.2010 passed in Appeal No. 647/2010 by the Learned Information Commissioner (Annexure-7), whereby and whereunder in an Appeal under the Right to Information Act preferred by the Respondent No. 4, the Petitioner, who has been acting as Special Officer Rationing-cum-Public Information Officer has been held guilty in a most mechanical and casual manner and imposed a penalty of Rs. 25,000/- which is highly disproportionate and unsustainable in the eyes of law.

3. Learned Amicus Curiae submits that the Respondent No. 4 vide its application dated 04.11.2009 has sought for certain information from Public

Information Officer, District Food & Civil Supply Department as it is evident from her application dated 04.11.2009. As against non-supply of information, the Respondent No. 4 preferred First Appeal vide its Application 16.12.2009 before the Appellate Authority-cum-Deputy Director (Food), South Chhotanagpur Division, Food & Civil Supplies Department, Govt. of Jharkhand, Ranchi.

Thereafter, Respondent No. 4 had preferred Second Appeal being Appeal No. 647 of 2010 before the Jharkhand State Information Commissioner, Ranchi for a direction upon the authorities to furnish true and complete information and to further impose penalty at the Authority for not furnishing the desired information.

The Learned State Information Commissioner in terms of its order dated 28.05.2010 & 02.07.2010 passed in Appeal No. 647 of 2010 has issued notices upon the respondent mentioned in the Second Appeal, who as per their nomenclature are non-existent.

The Learned Information Commissioner in terms of order dated 27.10.2010 has fixed the next date of hearing of the case on 06.12.2010 and has further issued notices upon the Public Information Officer cum District Supply Officer, Ranchi. The date fixed of the Appeal was 6th December, 2010 before the Learned Chief Information Commissioner and since, the very date coincided with the 2nd Phase of Panchayat Election, where the petitioner had been posted as Zonal Magistrate at Nagri Block, Ranchi and hence, vide his letter no. 1039(II) dated 03.12.2010, he has written to the Under Secretary, State Information Commission, Ranchi for adjournment of the matter, so that he may put up his case and furnish the information to the Respondent No. 4.

The Learned Information Commissioner in view of the bonafide reasons of non-appearance of the Petitioner due to Panchayat Elections on the scheduled date ought to have provided a reasonable opportunity to the Petitioner but in a most mechanical, casual and haste manner while rejecting the application of the Petitioner for adjournment dated 03.12.2010 had passed the order dated 06.12.2010 holding the Petitioner to be negligent and has imposed a fine of Rs 25,000/- to the Petitioner

4. Learned Amicus further submits that as it is evident from the election schedule as well as the deputation order, issued by the competent authority that the Petitioner had been posted on 06.12.2010 as Zonal Magistrate at Nagri Block, Ranchi and hence, he had prayed for adjournment of the matter which ought to have been considered and allowed.

She further submits that the Petitioner immediately on assuming its routine duty vide its letter contained in Memo No. 89 dated 10.12.2010 has furnished the desired information to the Respondent No. 4.

5. After going through the impugned order, it appears that the same does not warrant any interference in view of the fact that it is well reasoned order and there is no infirmity and there is specific finding given in the impugned order that even after getting the notice one year has lapsed and the petitioner has not given the only information, which was asked for.

6. Learned Amicus Curiae tries to impress this Court by submitting that the name of the Department, where the application was made was not in existence and therefore the Petitioner did not get any information. This argument is not acceptable to this

Court in view of the fact that when the petitioner received a notice and he was knowing the fact that the name of such department has changed; then at least he should have informed.

7. Having regard to the aforesaid discussions, this application stands dismissed.

8. Pending I.A(s), if any, stands closed.

9. The Secretary, Jharkhand High Court Legal Services Committee shall reimburse the learned Amicus on submission of bills. Fee for learned Amicus shall be subject to the maximum ceiling as per the existing guidelines.

10. Let a copy of this order be sent to the Secretary, JHCLSC and also to the learned Amicus Curiae.

(Deepak Roshan, J.)

15th October, 2025

Jk

Uploaded on

06 / 11 / 2025