

Nawal Kishore vs State Of U.P. Thru. Prin. Secy. ... on 28 March, 2025

Author: Rajan Roy

Bench: Rajan Roy

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17860-DB

Court No. - 2

Case :- WRIT - C No. - 3012 of 2025

Petitioner :- Nawal Kishore

Respondent :- State Of U.P. Thru. Prin. Secy. Secondary Education U.P. Lko. And 4 Others

Counsel for Petitioner :- Raj Kr Singh Suryvanshi

Counsel for Respondent :- C.S.C., Shikhar Anand

Hon'ble Rajan Roy, J.

Hon'ble Om Prakash Shukla, J.

1. Heard Shri Raj Kr. Singh Suryvanshi, learned counsel for the petitioner, learned Additional Chief Standing Counsel for the State and Shri Shikhar Anand, learned counsel for the State Information Commission.

2. The petitioner wants benefit of the order dated 11.10.2018 passed in Writ Petition No. 29863 (M/B) of 2018 which was decided in the following terms:-

"Heard Sri Rishabh Raj, learned Counsel for the petitioner, learned Standing Counsel and Sri Shikhar Anand, learned Counsel for the State Information Commission.

The contention of the petitioner is that the impugned order imposing a penalty of Rs.25,000/- and also giving certain directions has been passed without giving an

opportunity of hearing to the petitioner or any notice to it.

On being confronted, learned Counsel for the Commission Sri Shikhar Anand pointed out the provisions of Rule 12 of the U.P. Right to Information Rules, 2015 and contended that if it so, then an application for recall of the order is maintainable before the Commission at the behest of the petitioner.

In view of the aforesaid submission and the Rule position, this writ petition is disposed of with liberty to the petitioner to approach the Commission under Rule 12 of the Rules 2015 by moving appropriate application. If such application is filed within two weeks, the same shall be considered and decided expeditiously for a period of two months.

The penalty imposed by the impugned order shall not be recovered from the petitioner till two months."

3. This writ petition is disposed of in terms of above quoted order and the benefit granted in the aforesaid case shall be available to the petitioner herein on the same terms.

(Om Prakash Shukla,J.) (Rajan Roy,J.) Order Date :- 28.3.2025/Shanu/-