

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (C) No. 4691 of 2010**

Ashok Kumar Jha Petitioner

Versus

1. Jharkhand State Information Commission through its Secretary, Ranchi
2. Sri C.K. Mishra
3. The State of Jharkhand through the Chief Secretary, Ranchi

.... Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Manoj Tandon, Advocate
Ms. Neha Bhardwaj, Advocate

For the JSIC : Mr. Sanjoy Piprawall, Advocate

For the State : Mr. Rakesh Kr. Roy, AC to GA-III

Oral Order

19 / Dated : 12.03.2024.

Heard, learned counsel for the parties.

On 22.01.2024, respondents-State was directed to file supplementary counter affidavit on behalf of the District Education Officer, Palamu as to whether letter no.1607 dated 01.10.2009 was issued by its office or not, and if it was so issued, the copy thereof.

Learned AC to GA-III for the State (Respondent No.3) seeks further adjournment to comply with the previous order.

On the last date i.e. 27.02.2024, it was clarified that no further adjournment shall be granted. The instant Writ Petition is of the year 2010 in which one counter-affidavit has already been filed on behalf of the Respondent No.3 and despite this, further adjournment is being sought for filing supplementary counter-affidavit.

Under the circumstances, prayer for adjournment is rejected.

1. The order dated 08.05.2010 passed by respondent no. 1 in Appeal No. 463 of 2010 by which a fine of Rs. 25,000/- has been imposed under Section 20(1) of the Right to Information Act, 2005 (hereinafter referred to as RTI Act) and a sum of Rs.10,000/- under Section 19 (8)(b) of the RTI Act is under challenge in the instant writ petition.
2. The petitioner was District Superintendent of Education, Palamau at the relevant point of time and has been saddled with liability for not furnishing the requisite information and the penalty arising therefrom has been imposed on him by the impugned order.
3. The order has been challenged mainly on the ground that the petitioner was not the Public Information Officer at the relevant time and, therefore, penalty of

Rs.25,000/- could not have been imposed on him. The petitioner received application under the RTI Act for requisite information vide letter dated 08.04.2010 (Annexure-3). The petitioner furnished the requisite information on 13.04.2010 (Annexure-6).

4. The information sought for was with respect to personal information with regard to Anil Kumar Gupta who was posted as Assistant Teacher in the district of Palamau. Under Section 8 (1)(j) of the RTI Act that the third party information is not to be provided. Lastly, it is submitted that out of vengeance, the said information was sought for as there was large number of cases pending between the petitioner and respondent no. 2. Reliance is placed on (2013) 1 SCC 212 para 11 to 14.
5. At the outset, it is argued on behalf of the State Authority that the points of third party, that is being raised, was never raised before the Appellate or Revisional Authority, rather requisite information was provided by the petitioner.
6. Having considered the submission advanced on behalf of both sides, it is apparent that the information was sought for on 15.09.2009 and the said information was to be furnished in terms of Section 7(1) of RTI Act within 30 days.
7. The said letter was addressed to this petitioner but the petitioner did not furnish the necessary information and consequently vide letter dated 08.04.2010, District Superintendent of Education, Palamau directed the petitioner to furnish the requisite information and a reminder was also given to the petitioner vide letter no.1607 dated 01.10.2009 to furnish necessary information. Therefore, the plea of the petitioner that it was only on 08.04.2010, he received information for furnishing necessary information, is not tenable. Once official letter is dispatched with particular memo number, a bald assertion that the said letter was not received by him, is not logically sustainable. However, it appears that the necessary information was furnished although belatedly. Being custodian of the file, he thus failed to furnish the requisite information within the stipulated time in violation of the provision as contained in Section 5(5) of the RTI Act.
8. Jurisdiction of Court while exercising power to issue Writ of Certiorari is settled by long line of judicial precedent.

Sawarn Singh v. State of Punjab, (1976) 2 SCC 868 at page 872

12. Before dealing with the contentions canvassed, it will be useful to notice the general principles indicating the limits of the jurisdiction of the High Court in writ proceedings under Article 226. It is well settled that certiorari jurisdiction can be exercised only for correcting errors of jurisdiction committed by inferior courts or tribunals. A writ of certiorari can be issued only in the exercise of supervisory jurisdiction which is different from appellate jurisdiction. The Court exercising

special jurisdiction under Article 226 is not entitled to act as an appellate court. As was pointed out by this Court in Syed Yakoob case, "this limitation necessarily means that findings of fact reached by the inferior court or tribunal as a result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be."

This Court is of the view after considering the reasons recorded in the impugned order, there is no material for interfering with the impugned order.

Writ Petition stands dismissed.

(Gautam Kumar Choudhary, J.)

AKT/Sandeep