

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR.**

S.B.Civil Writ Petition No.14871/2009.

Maharshi Dayanand Saraswati University, Ajmer through its
Registrar.

.....Petitioner

Versus



State Information Commission through its Secretary/Deputy
Secretary Harish Chander Mathur, Rajasthan Rajaya Loke Prashan
Sansthan, J.L.N. Marg, Jaipur.

Suendra Kumar S/o Shri Harwansh Lal, Aged about 28
years, R/o 104, Agresen Nagar Near Pandit Deen Dayal Vatika,
Sriganganagar Rajsthan.

----Respondents

For Petitioner(s) : Mr. Tarun Choudhary on behalf of Mr.
Hanuman Choudhary.

For Respondent(s) :

JUSTICE DINESH MEHTA

Order

12/01/2017

(1) The present writ petition has been filed by the
petitioner inter alia challenging the order dated 06.05.2009
passed by the Information Commissioner whereby a fine of Rs.
10,000/- has been imposed upon the petitioner, University.

(2) Learned counsel for the petitioner invited attention of
this Court towards para No.5 of the writ petition wherein it has
been stated that the information has been provided to the

applicant vide letter dated 12.11.2009. He further submits that the reason for not providing information was bonafide and the same was on account of lack of staff and proper infrastructure with the University.

While issuing notices on 30.11.2009, the Court had

passed an interim order staying the recovery of penalty.

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

A perusal of facts reveal that the Information Commissioner had passed impugned order on 06.05.2009, asking the petitioner to furnish information within a period of thirty days while also levying a penalty of Rs. 10,000/- for not furnishing the requisite information. It has been stated in para No.5 of the writ petition that the information required by the applicant-respondent No.2 has been furnished, *albeit* on 20.11.2009 vide Annexure-3.

A perusal of the document Annexure-3 shows that no information has been provided to the applicant and he has been asked to refer various other publications of the University. The action on the part of petitioner-University in not supplying the information within the time allowed by the Information Commissioner shows indifferent; if not reckless attitude on the part of the University.

The Information Commissioner cannot be said to have exceeded the jurisdiction or erred in levying impugned penalty vide his order dated 06.05.2009.



This Court has heard the present writ petition alongwith writ petition bearing No.4564/2010 filed by the same University arising out the same proceedings. In view of the separate order affirming the enhanced penalty of Rs.15,000/- imposed by the Information Commissioner vide his order dated 13.01.2010, a similar view is being taken by this Court and the penalty of Rs. 15,000/- imposed vide order dated 06.05.2009 is hereby set aside, keeping in view the fact that the petitioner has been held liable to pay penalty of Rs. 15,000/- imposed vide order dated 13.01.2010 of the Information Commissioner.



The writ petition is disposed of accordingly.

(DINESH MEHTA)J.

N.Gandhi/28



सत्यमेव जयते