

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

S.B.Civil Writ Petition No. 5580 / 2011.

Registrar, Meharshi Dayanand Saraswati University, Ajmer.

----Petitioner

Versus

1. Chief Information Commissioner, Rajasthan Information
Commission, HCM RIPA (OTS) JLN Marg, Jaipur.

Dr. Reeta Mehra, resident of D-5, Madhuban Colony, Naka
Madar, Ajmer.

----Respondents



For Petitioner(s) : Mr. TS Choudhary.

For Respondent(s) :

JUSTICE DINESH MEHTA

Order

11/01/2017

(1) The present writ petition has been filed by the petitioner inter alia challenging the order dated 22.10.2010 passed by the Information Commissioner whereby a fine of Rs. 5,000/- under Section 20(1) of the Right to Information Act, 2005 besides awarding a sum of Rs. 1,000/- as damages has been levied upon the petitioner.

(2) Learned counsel for the petitioner invites attention of this Court towards para No.4 of the writ petition wherein it has been stated that the information has been provided to the applicant vide letter No.28321 on 11.8.2010. 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 of the University.

This Court while admitting the writ petition on 27.08.2012 had passed an interim order regarding payment of



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

In view of the fact that the University has provided the information on 11.8.2010 as mentioned in para No.4 of the writ petition and more particularly because the amount of penalty remained stayed by this Court and in view of the submission made by the learned counsel for the petitioner that there was no malafide on the part of the University in not providing information, I find that imposition of penalty by the Information Commissioner vide his order dated 22.10.2010 was not justified and the order impugned deserves to be quashed and set aside and same is set aside hereby.

(4) The impugned order dated 22.10.2010 to the extent of levying penalty of Rs. 5,000/- under Section 20(1) and so also damages of Rs.1,000/- is quashed.

(5). The writ petition is allowed in the aforementioned terms.

(DINESH MEHTA)J.