

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

**Present: Laxmi Narayan Pattanaik,
State Information Commissioner (P)**

Date: 17th May, 2017

Second Appeal No.1011/2015

Maheswar Bhumij,
At- Tarkera (in front of Jharkhand Club),
PO- Panpos,
Rourkela-4,
PS- Raghunathpalli,
Dist- SundargarhAppellant

Vrs.

1. State Public Information Officer,
Odisha High Court, Cuttack,
Dist- Cuttack.
2. First Appellate Authority,
Odisha High Court, Cuttack,
Dist- Cuttack.....Respondents

Decision

1. Appellant Maheswar Bhumij is present / absent. The State PIO, Odisha High Court, Cuttack is also present / absent.
2. The Second Appeal under section 19(3) of the RTI Act is directed against the order dated 17.04.2015 of the First Appellate Authority, Odisha High Court, Cuttack in dismissing the appeal of the appellant being devoid of merit.
3. The appellant filed form-A application dated 18.02.2015 with the SPIO, Odisha High Court seeking information regarding how to obtain information

under the RTI Act and format of civil case No.85, Mouza, Case No., details copy and other queries. The SPIO rejected the application as the same was not in proper authentic form and without prescribed fees under Rule 4 of the Odisha High Court RTI Rules, 2005. Being aggrieved with the aforesaid rejection the appellant preferred 1st appeal on 21.03.2015 before the Registrar (Judicial) –cum-First Appellate Authority, Odisha High Court and subsequently approached the Commission in form-E on 21.04.2015.

4. The SPIO submitted a written memorandum stating that the application was rejected due to non-filing in proper authentic form and want of prescribed fees under rule 4 of the Odisha High Court RTI Rules, 2005. The same was communicated to the appellant vide letter No.2587 dated 17.03.2015 with a request to visit the website of Odisha High Court www.orissahighcourt.nic.in and to apply afresh. Being aggrieved with the afore said order the appellant preferred 1st appeal on 21.03.2015 before the Registrar (Judicial)-cum-First Appellate Authority, Odisha High Court. The First Appellate Authority dismissed the appeal being devoid of merit since the application was not in proper form as well as due to want of requisite court fees, the same was also communicated to the appellant vide letter No.3613 dated 17.04.2015. The appellant had alleged for non-receipt of the required information.

5. Considering the above stated facts and circumstances of the case, the Commission is of the opinion that the order passed by the First Appellate Authority in dismissing the appeal, cannot be interfered as the same cannot be considered as de hors and contrary to the provision of the RTI Act. The impugned order does not suffer from any illegality or impropriety and irregularity. The Commission is in full agreement with the finding given by the First Appellate Authority as well as the State PIO, Odisha High Court. However, the appellant is advised to file a fresh RTI application as per the prescribed form of Odisha High

Court RTI Rules, 2005 along with the requisite court fees before the State PIO for seeking information, if necessary and the SPIO will do good to respond the same.

6. With the above observation (supra) the case is disposed of.

Pronounced in open proceedings

Given under the hand and seal of the Commission, this the 17th day of May, 2017.

State Information Commissioner (P)
17.05.2017