



2026:AHC:55351

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 9040 of 2026

Anil Kumar Dubey

.....Petitioner(s)

Versus

State Information Commissioner Uttar Pradesh
And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Binod Kumar Rai, Sunil Sharma
Counsel for Respondent(s)	:	C.S.C.

Court No. - 36

HON'BLE ARUN KUMAR, J.

1. Heard Sri Krishna Kumar Singh, holding brief of Sri Sunil Sharma, learned counsel for the petitioner, Sri Rahul Jain, holding brief of Ms. Manjari Singh, learned counsel for the respondent no.1 and learned Standing Counsel for the respondent nos.2 and 3.

2. The present writ petition has been filed challenging the order of the respondent no.1 dated 18.3.2025 and the subsequent order dated 14.8.2025 passed on the review application filed by the petitioner.

3. It is contended by learned counsel for the petitioner that he filed an application dated 23.11.2023 seeking certain information under Section 6(1) of the Right to Information Act, 2005 from the office of District Panchayat Raj Officer, Varanasi. The said information was supplied to the petitioner by the letter of the District Panchayat Raj Officer, Varanasi dated 21.12.2023. Dissatisfied with the said information, the petitioner preferred first appeal under Section 19(1) of the Act of 2005, in which no information was supplied to the petitioner.

4. It is further contended by learned counsel for the petitioner that when no information was supplied by the first appellate authority, he made a complaint under Section 18 of the Act of 2005 to the State Information Commissioner, the respondent no.1, about the inaction of the first appellate authority. However, the respondent no.1 considering his complaint under Section 18 of the Act of 2005 to be second appeal under Section 19(3) of the Act of 2005 has passed the order dated 18.3.2025

holding that the petitioner has been supplied the required information under his original application. Aggrieved by the said order, the petitioner filed review application, which has been rejected by the respondent no.1 by its order dated 14.8.2025.

5. Learned counsel for the petitioner has also contended that on 18.3.2025, the petitioner submitted his written submission and no orders deciding his complaint/second appeal had been passed. He subsequently received a message through SMS on 19.3.2025 that the next date fixed on his complaint is 16.4.2025. However, the appeal has been disposed of, even though the desired information was not supplied to the petitioner.

6. Learned counsel appearing for the respondent no.1 has not disputed the fact that the petitioner had filed a complaint under Section 18 of the Act of 2005, in which the respondent no.1 had to make an enquiry against the Public Information Officer. Learned counsel for the respondent no.1 tried to submit that the order dated 18.3.2025 has been passed on the complaint of the petitioner under Section 18 of the Act of 2005 and not as a second appeal.

7. I have considered the submissions advanced by learned counsel for the parties and perused the records.

8. The application of the petitioner dated 4.11.2024 made before the respondent no.1 was under Section 18 of the Act of 2005 registered as a complaint. The notice issued to the petitioner by the respondent no.1 on 28.2.2025 on his application also mentions it to be a complaint where the name of petitioner has been shown as a complainant. However, the perusal of the order dated 18.3.2025 shows that his Compliant No. S02/C/0054/2025 is being decided as a second appeal filed under Section 19(3) of the Act of 2005.

9. From the perusal of the order dated 18.3.2025, it is evident that the tenure of the judgment reflects that it has been decided as a second appeal where only the satisfaction has been recorded to the effect that the information sought by the petitioner has been served upon him. But no observation has been recorded on the complaint made by the petitioner for providing incomplete information by the Public Information Officer. Nor

there is any finding to show that the information supplied was complete and the Public Information Officer was not guilty for providing incomplete information. In view of the aforesaid, the impugned orders passed by the respondent no.1 dated 18.3.2025 and 14.8.2025 are unsustainable and are, accordingly, set aside.

10. The writ petition is, accordingly, allowed. The matter is relegated back to the respondent no.1 to decide the complaint of the petitioner dated 4.11.2024, treating it to be having been filed under Section 18 of the Act of 2005. The said complaint of the petitioner shall be decided, strictly in accordance with law, within a period of two months from the date of presentation of a certified copy of this order.

(Arun Kumar,J.)

March 18, 2026

Anil