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WA-1442-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 19th OF JUNE, 2025

WRIT APPEAL No. 1442 of 2025

ARVIND KUMAR SHUKLA

Versus

NEERAJ NIGAM AND OTHERS

.....
Appearance:

Shri Praveen Dubey - Advocate for appellant.

Shri Dinesh Kumar Upadhyay - Advocate for respondent No.1.

Shri Anubhav Jain - Government Advocate for respondents/State.

Shri Vijayendra Singh Choudhary - Advocate for respondent No.3.
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ORDER

Per. Sanjeev Sachdeva, Acting Chief Justice

Issue notice.

2. Notice is accepted by learned counsel appearing for respondent No.1 as also counsel appearing for respondents No.2 to 5.

3 . Appellant, who is the former M.P. State Chief Information Commissioner, impugns order dated 05.03.2025 passed in Writ Petition No.29100/2023 to the limited extent that there are certain remarks made against the appellant with regard to his functioning as the Chief Information Commissioner as also a direction to recover the cost of Rs.40,000/- imposed on the concerned department, from the appellant.

4. Learned counsel for the appellant submits that the appellant had passed the



orders that were impugned in the writ petition bonafidely and in discharge of his duties as a Chief Information Commissioner. Learned counsel relies on the provisions of Section 21 of the Right to Information Act, 2005 (for short "Act of 2005") and contends that no suit, prosecution or other legal proceeding could have been initiated against the appellant since the orders were passed in good faith in terms of the Act.

5. We note that prior to making the observation with regard to the conduct of the appellant and a direction to recover the cost from the appellant, no notice was issued to the appellant by the writ court.

6. We have perused the impugned order insofar as it relates to the conduct of the appellant and are satisfied that the orders passed by the appellant were in good faith and in bonafide discharge of the official duties.

7. In view of the above, the impugned order dated 05.03.2025 insofar as it makes certain observations with regard to the discharge of duties by the appellant and a direction to the department to recover the cost from the appellant, is set aside.

8. The appeal is disposed of in the above terms.

9. We are informed that the department has also filed an appeal against the impugned order on merits. Since the present appeal does not deal with the merits of the impugned order, this order will be without prejudice to the rights and contentions of the parties in the said appeal.

(SANJEEV SACHDEVA)
ACTING CHIEF JUSTICE

(VINAY SARAF)
JUDGE